Asher Horovitz

Professor DeFelice

MEDST 255

Group 2 Presentation Response

In their presentation on Lawrence Lessig’s “Free Culture,” Group 2 explored the role of copyright in the formation and consumption of culture. The group discussed how many industries were in fact built on piracy in one way or another and that restrictions actually make culture less free. As a final discussion question, the group proposed the following: “If the internet is such [a] large factor impacting the “war on piracy,” should the laws of piracy be updated to keep up with the Internet? Are copyright laws outdated?” It is clear that current laws are not well equipped to deal with the complexities of internet culture.

The internet is a powerful forum for creativity. It has given people greater access to tools that allow them to both make and share their art. While some attempt to make art that is wholly original, insofar as such a thing is possible, others prefer to participate in “remix culture,” repurposing existing works in original ways. A music genre called vaporwave arose from this tendency, which typically uses samples from Japanese songs and pop culture iconography of the 80s and 90s to create something new. The resulting genre is typically considered to be heavily reliant on irony and serves to critique mass culture and consumerism. The subculture, likely due to its obscurity and subsequent lack of revenue, never faced much copyright challenge from copyright holders. However, it does raise questions surrounding how the music should be viewed within a legal framework. Does it really constitute a parody? Is it merely a derivative work? If finances are not a consideration, should creators be free to use whatever parts of culture they choose?

Moving beyond independent artists creating works that are not for financial gain, independent artists online need more security that their works will not be stolen by large corporations. Brands such as Zara and Urban Outfitters have taken designs from artists online and used them for their products. This is a fairly cut and dry example but there are more complex issues to examine. The corporate Twitter account for the fast food chain Wendy’s tweeted out a “Pepe meme,” a variation on a popular image of a cartoon frog. The company deleted it due to its co opted status as a hate symbol, but its innocent origins are a cartoon by artist Matt Furie. It is surprising that a company felt free to use an artist’s intellectual property, especially as no company would ever think to use, say, a musician’s song in a commercial without legal permission. Does the work’s status as a meme grant anyone permissions to use it? Is the use of the picture inherently considered to be a parody? These are questions that must be considered. Much of meme culture exists in similarly gray areas. Comedian Josh Ostrovsky made a career for himself largely based on posting other people’s jokes on social media without giving credit. Social pressure forced him to change his ways but perhaps those who he stole from should have a legal claim for the use of their intellectual property.

Copyright is a delicate balancing act. On the one hand, everyone should be able to participate in culture, but on the other people should be able to profit from the things they create. The internet, with its lack of accountability and high speed spread of ideas, only further complicates these issues. Lawmakers need to take these elements into account when updating copyright laws.