Restructure

Copyright

Laws

# Abstract

Ineffective deterrence, large enforcement expense, and increasing prosecution rates are the basis for a restructuring of the copyright laws. Additionally, resources for Peer-2-peer services is reported on by major media outlets. Record companies, movie producers, and television networks are spending money on upholding the current copyright laws causing a breakdown in creative content. Increasing number of people are being prosecuted for infringement.

# Introduction

Copyright laws were originally written to protect inventor’s and artist’s ideas from being stolen and profited from. The laws make it so a work cannot be copied and redistributed for personal or corporate gains. In today’s internet based world these works aren’t copied or redistributed in the same way anymore. Physical goods are no longer a primary product that need protecting and thousands of people are taken to court and penalized for accessing free content available online. **Copyright laws need to be re-written for today’s digital age** to protect all of us for unjust punishment.

# Ineffective Deterrence

Despite the continual risk of prosecution millions of people use Peer-2-Peer (P2P) sharing daily to download (or stream) content including television shows, blockbuster movies, and music.

The access to “illegal” content is abundant and widely reported on (Kanye). One of the leading examples of a P2P sharing website is The Pirate Bay, primarily known because of the constant media attention it receives (Kottasova).

Drake’s newly released album is currently priced at $13.49 and the recently released Kung Fu Panda 3 movie costs $14.99. These are two examples of media goods that could be an interest to someone. If someone interested in purchasing either (or both) of these goods were to find out there was a way to save their money and get them for free they may take this option instead. Streaming websites and P2P sharing websites take advantage of the void created by the costs.

Children are downloading music, movies and video games potentially without their parent’s knowledge or knowing the legality of their actions (Wagner). The next generation of children don’t understand what they’re doing is considered against the law because the material is so easily available online. Unfortunately for parents, kids find websites to download new games or music on and don’t see any consequences. While the child questions how what they did was wrong, their parents can be facing serious legal action (Wagner).

# Enforcement Impact

Money spent on copyright enforcement by movie and television producers is hindering creativity. Creativity refers to the production of new content.

An example of how spending money on enforcement has hindered creativity can be found in the court case against LimeWire (Sisario). LimeWire lost the court case against the record companies earning them $106 million. Even though LimeWire was just a platform for P2P services. The media that LimeWire was found to be distributing was immediately condemned. Advancement in technology is what allowed distribution to happen in the first place, and instead of embracing the new norm of the digital age the record company chose to fight back.

Another court case was between Viacom and YouTube and their parent company, Google (Medeiros). Viacom argues it’s materials were infringed while YouTube claims freedom of use on behalf of the creators. During the case Viacom insists YouTube users have no authority or right to use any of their content to create their own content. Viacom is actively trying to harm the content creators of YouTube by restricting their access to content.

Recently Twitch streamers have been struggling with music related copyright issues (LolTyler1). During their stream playing games they typically listen to music. This becomes an issue with highlight videos for YouTube and for people to replay old streams on the platform (Sodapoppin). The current laws are forcing the users of the new media platform to avoid all mainstream media on their stream which harms their ability to relate to their fans.

# Unjust Punishment

Increasing numbers of people taken to court and prosecuted for enjoying content is ruining the freedom the internet provides.

The Recording Industry Association of America (RIAA) began another round of lawsuits in 2003 against 204 persons found to be “swap[ing] music files” (Schawtz). These people were using P2P services to share music with one another. What these people were doing could be compared to the sharing of mixtapes or burned cd’s. No profits were made in the sharing of files. The RIAA filed suit on the grounds of lost profits and copyright claims. (Schwartz)

Taking YouTube creators as an example, one can find several “copies” of the same music video online. Searching for a song turns out a results list that can be quite extensive but very infrequently are the videos the same. Content creators have turned to YouTube to create fan made videos of major artist’s songs. Unfortunately for those users, the song is still protected and their hard work often goes unnoticed as the video gets taken down for copyright protection.

Twitch streamers are running into issues with prosecution as well. Though currently none of them have been taken to court over the matter; Twitch is actively censoring content to avoid a claim. Recently a streamer by the name of lolTyler1 attempted to perform karaoke for his fans on stream. Only a few hours after his stream ended Twitch admins had removed sections of the playback stream and sent him an email informing him of the copyright issues (LolTyler1).

# Conclusion

The current copyright laws create an ineffective deterrence that has only resulted in a restriction in new creative content and an increase in prosecution rates. In order to see realistic change in the way record companies, movie producers, and television networks society needs to bring more attention to the unfortunate thought processes that burden our society. The world has evolved into a position where physical goods are being purchased less and less frequently with a large supply of free content online. Vote and make your voice heard.

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