

# Legal Issues in Computer Science

## History of Copyright Law

# Copyright Law

- The Statute of Anne (1710): «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.»
- U.S. CONST. art. I, Sec. 8, cl. 8 «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.»

# Origins of Copyright Law

- Relationship between the Gutenberg invention of the press and the legal protection of literary works:
  - Press invented in the 15<sup>th</sup> century: first bible published in 1455
  - Statute of Anne (the first statute dealing with the authors' exclusive right): 1710

# The Stationers' Copyright

- 1556: the Charter of the Stationers' Company was granted by Philip and Mary, the Roman Catholic successors to Henry VIII's Protestant son, Edward VI.:
  - The Charter gave the stationers the power to make "ordinances, provisions, and statutes" for the governance of "the art or mystery of [s]tationery," as well as the power to search out illegal presses and books and things with the power of "seizing, taking, or burning the foresaid books or things, or any of them printed or to be printed contrary to the form of any statute, act, or proclamation ..."
  - The Company's tasks were carried out with the help of the Star Chamber

## The Stationers' Copyright

- Patterson: «the Stationers' Company became, in turn, the instrument of the Stuarts against the Puritans, in the early seventeenth century; the instrument of the Puritans, against their royalist enemies, when the Puritans came to power; the instrument of the royalists against the Puritans, after the Restoration; and, for a brief time, the instrument of the triumphant Whigs, after "the glorious Revolution," of 1688. But through all these vicissitudes, the stationers themselves steadfastly remained, what they had always been, eminently practical men; and they consistently protected their monopoly»

# The Stationers' Copyright

- Patterson: «The stationers created their copyright, shaped it to their ends, and kept control of it for themselves.»:
  - Registration of the book's title (mandatory since 1662 with the Licensing Act)
  - Perpetual monopoly
  - Policies to avoid competition

# The End of the Stationers' Copyright

- XVII Century:
  - Enlightenment
  - Growing consensus against monopolies
  - The problem of public domain: Locke's critique

# The Authors' Copyright

- 1710 - the Statute of Anne:
  - «Whereas printers, booksellers, and other persons have of late frequently taken the liberty of printing, reprinting, and publishing, or causing to be printed, reprinted, and published, books and other writings, without the consent of the authors or proprietors of such books and writings, to their very great detriment, and too often to the ruin of them and their families: for preventing therefore such practices for the future, and for the encouragement of learned men to compose and write useful books; may it please your Majesty, that it may be enacted ...»



# The Authors' Copyright

- 1710 - the Statute of Anne:
  - Author's exclusive right: 14 years + 14 if, at the end of the first term, the author is still alive
    - Limited time in order to protect the Public Domain
- Stationers try to have court's decisions to state a common law origin of copyright:
  - No limited time
  - A complete failure:
    - Tonson v. Collins
    - Millar v Taylor (1769)
    - Donaldson v. Beckett (1774).

# The Authors' Copyright

- 1787 – U.S. Constitution art. 1, sec. 8:
  - 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.
- 1790: U.S. Copyright Act
  - A copy of the Statute of Anne

# The Extension and Globalization of Copyright Law

- UK:
  - 1734 Engraving Copyright Act
  - 1814 Sculpture Copyright Act
  - 1833 Dramatic Copyright Act
  - 1962 Fine Arts Copyright Act
  - Problem of reciprocity: many States in the XVIII century do not have a copyright regulation:
    - 1844 International Copyright Act: a copyright can be granted to a foreign author only in case of reciprocity

# The Extension and Globalization of Copyright Law

- 1878 creation of the International Library Association
- 1883 draft of the International Copyright Agreement
- 1886: Berna Convention for the Protection of Literaru and Artistic Works
- 1893 creation of the Bureau for the Protection of Intellectual Property -> in 1967 it becomes the World Intellectual Property Organization (WIPO)
- April 15th, 1994: Annex 1C to the Marakesh Agreement:
  - Trade Related Aspects of Intellectual Property Rights
  - GATT becomes the World Trade Organization (WTO)
- 1996 WIPO Copyright Treaty