

<free cul ture>

OSCON

Jul y 24, 2002

<refrain>

1. Creativity and innovation always builds on the past.

2. The past always
tries to control
the creativity that
builds on it.

3. Free societies
enable the future
by limiting the
past.

4. Ours is less and
less a free
society.

</refrain>

(1)

1774

1774

Donaldson v. Beckett

1774

Donaldson v. Beckett
free culture

1774

Donaldson v. Beckett
free culture
born

1710

1710
Statute of Anne

1710

Statute of Anne
limited term

1710

Statute of Anne

limited term

14 years

1740s

1740s
Scottish publishers

1740s

Scottish publishers
reprint classics

London publishers:

London publishers:
“copyright is forever”

[Sonny Bono:
“forever minus a day”]

London publishers:
“copyright is forever”

publ i shers

“old patentees and
monopolizers in the
trade of bookselling,
men who do not labour
in an honest
profession to learning
is indebted.”

“common law copyright”

1769

1769

Millar v. Taylor

1769

Millar v. Taylor
publishers prevail

1774

1774

Millar reversed

Shakespeare free

freed cul ture

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</refrain>

(2)

1790

1790

unregulated creativity

1790
unregulated creativity
“printing”

1790

unregulated creativity

“printing”

free derivatives

1790
unregulated creativity
"printing"
free derivatives
14 years

1790

1790
free code

1790
free code
transparent technology

control

control

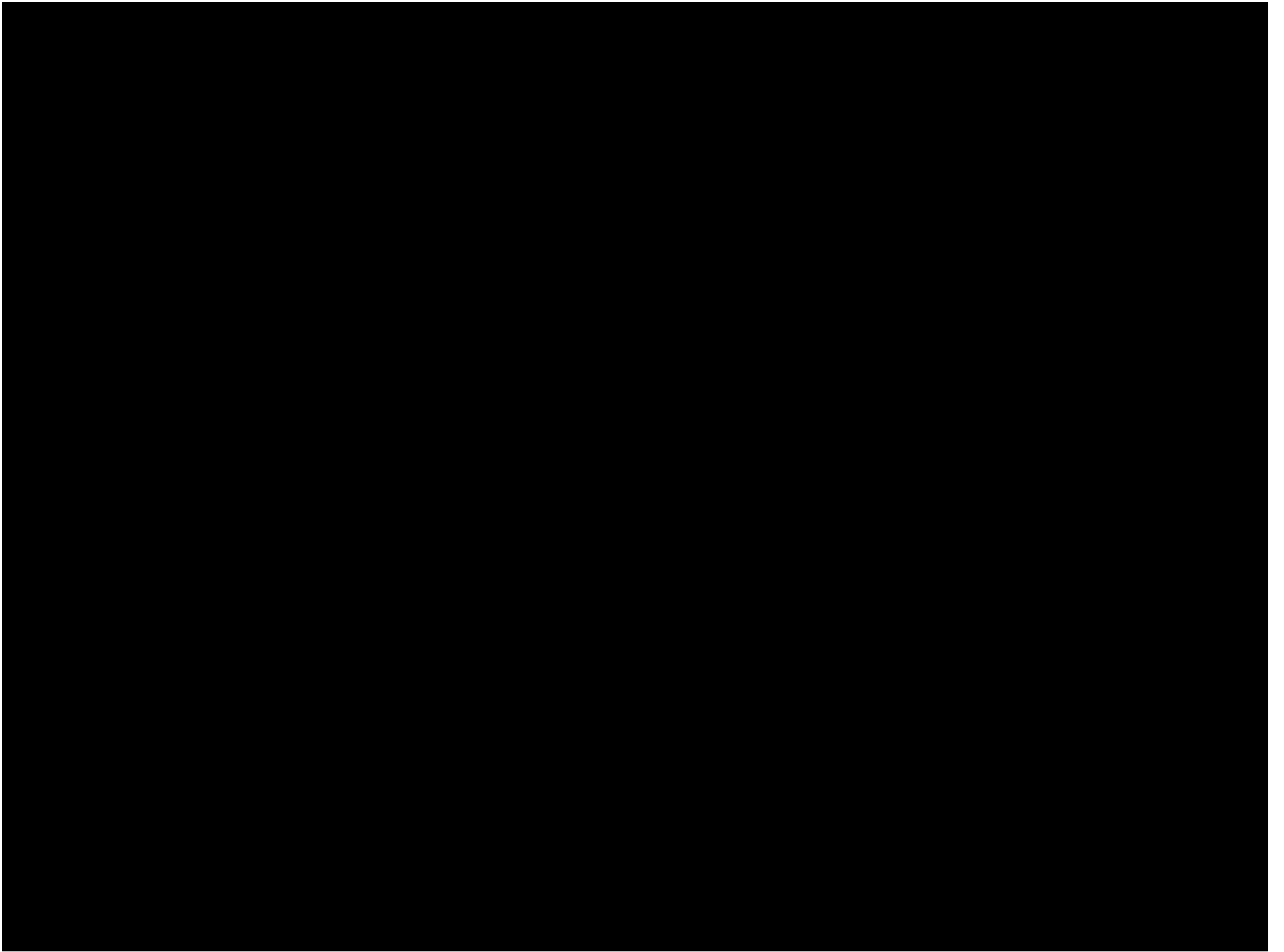
not
j u s t
t h e n

1928



Walt Disney

1928
Wal t Di sney



1928

Walt Disney
Steamboat Willie



1928

Walt Disney

Steamboat Willie

Steamboat Bill, Jr.

“always parroting the
feature length
mainstream films”

Pinocchio (1940)

Cinderella (1950)

Pinocchio (1940)

Alice in Wonderland (1951)

Cinderella (1950)

Pinocchio (1940)

Alice in Wonderland (1951)

Cinderella (1950)

20,000 Leagues (1954)

Pinocchio (1940)

Alice in Wonderland (1951)

Cinderella (1950)

20,000 Leagues (1954)

Jonny Appleseed (1955)

Pinocchio (1940)

Alice in Wonderland (1951)

Paul Bunyon (1958)

Sleepy Hollow (1958)

Sleeping Beauty (1959)

Cinderella (1950)

20,000 Leagues (1954)

Jonny Appleseed (1955)

Pinocchio (1940)

Alice in Wonderland (1951)

Paul Bunyon (1958)

Sleepy Hollow (1958)

Sleeping Beauty (1959)

Cinderella (1950)

20,000 Leagues (1954)

Kidnapped (1960)

Jonny Appleseed (1955)

Jungle Book (1967)

Pinocchio (1940)

The Little Mermaid (1989) **Alice in Wonderland (1951)**

Paul Bunyon (1958)

Sleepy Hollow (1958) **Sleeping Beauty (1959)**

Cinderella (1950)

20,000 Leagues (1954) **Kidnapped (1960)**

Jonny Appleseed (1955)

Jungle Book (1967) **Pinocchio (1940)**

The Little Mermaid (1989) **Alice in Wonderland (1951)**

Beauty and the Beast (1991) **Paul Bunyon (1958)**

Sleepy Hollow (1958) **Sleeping Beauty (1959)**

Cinderella (1950)

20,000 Leagues (1954) **Kidnapped (1960)**

Hunchback (1996) **Jonny Appleseed (1955)**

Jungle Book (1967) **Pinocchio (1940)**

The Little Mermaid (1989) **Alice in Wonderland (1951)**

Beauty and the Beast (1991) **Paul Bunyon (1958)**

Sleepy Hollow (1958) **Sleeping Beauty (1959)**

Mulan (1998) **Cinderella (1950)**

20,000 Leagues (1954) **Kidnapped (1960)**

Hunchback (1996) **Jonny Appleseed (1955)**

Jungle Book (1967) **Pinocchio (1940)**







commons

lawyer



"l i m i t e d T i m e s"

1790

"fourteen years"
maybe x2

to 42
(1831)

56
(1909)

59
(1962)

61
(1965)

63
(1967)

64
(1968)

65
(1969)

66
(1970)

67
(1971)

68
(1972)

70
(1974)

75
(1976)

95
(1998)

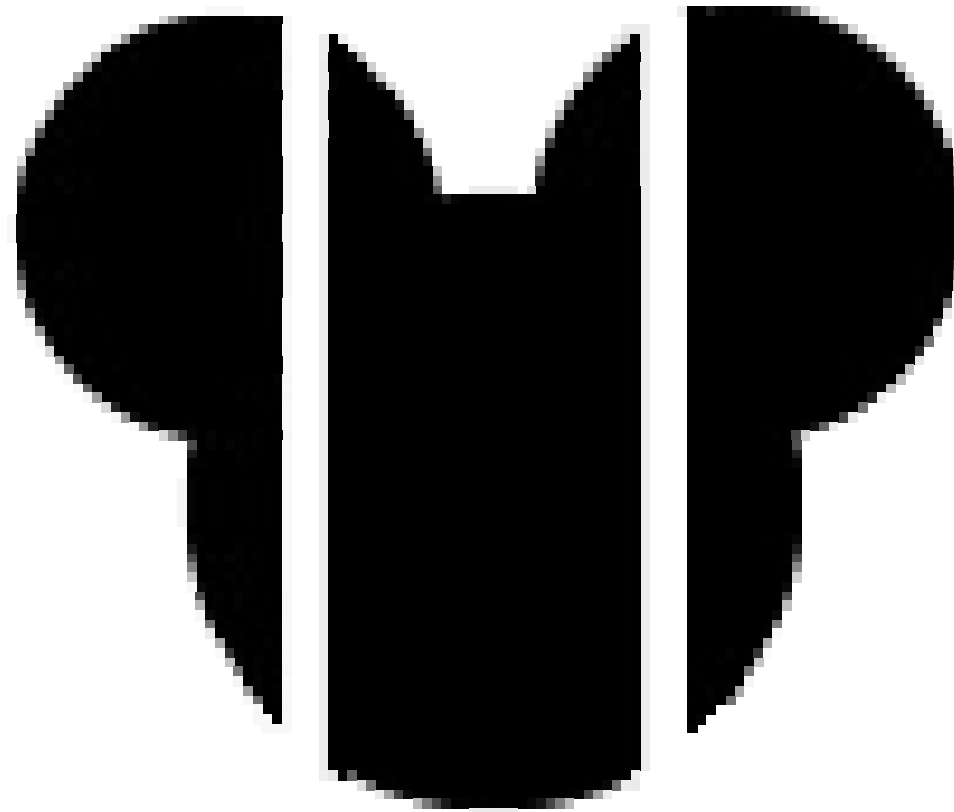
Sonny Bono Copyright Term Extension Act

aka

Mickey Mouse Protection Act

No one can
do to Disney, Inc.
what Walt Disney did to
the Brothers Grimm

FREE MICKEY



<refrain>

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</refrain>

(3)

di fferent
now

2002

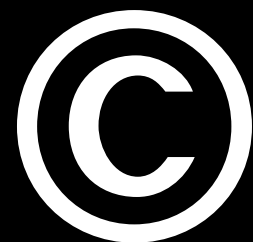
2002
regulated creativity

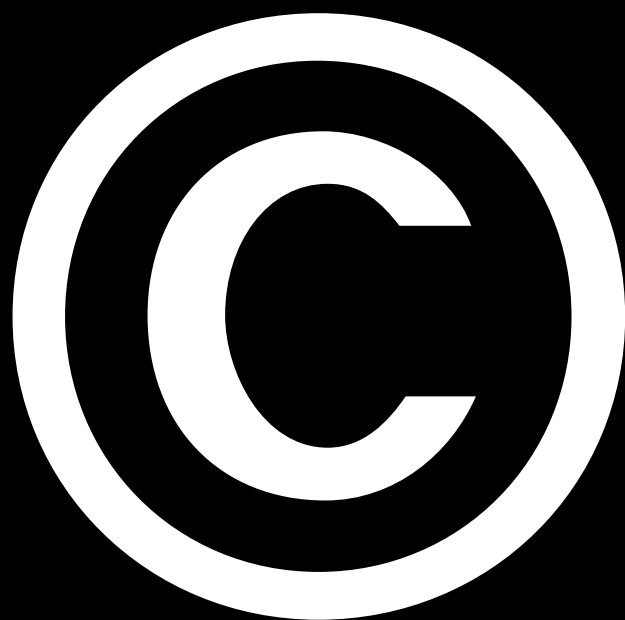
law:











“publ i shi ng” to
“copyi ng”

“copies” to
“derivative works”

"14 years" to
"life+70"

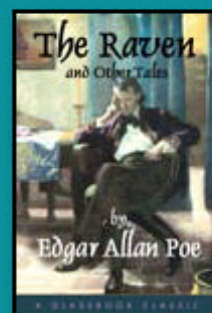
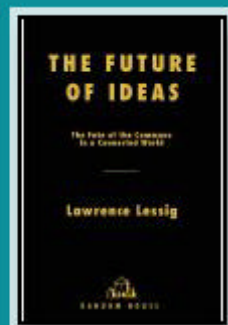
technology:

opaque creativity

controlling uses

Library

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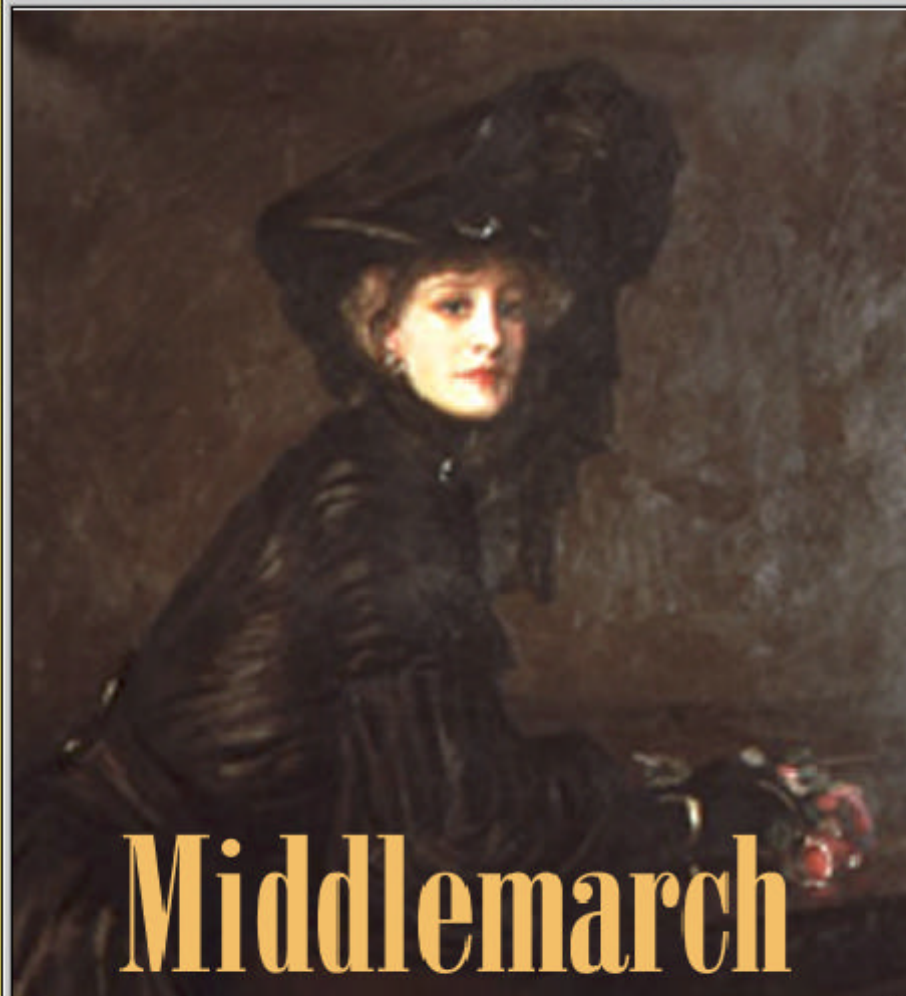
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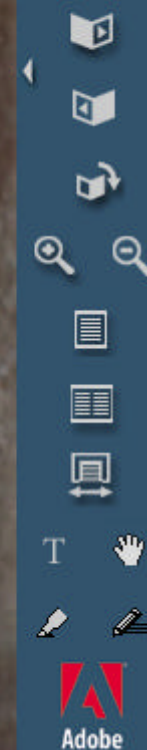
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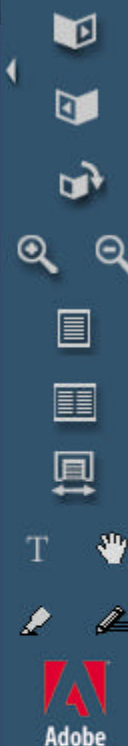
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CLASSIC ETEXTS SERIES

Aristotle

POLITICS



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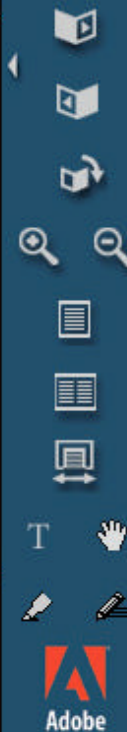
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THE FUTURE OF IDEAS

The Fate of the Commons
in a Connected World

Lawrence Lessig



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Law + technology:

Law regulates “copies”



uses



unregulated

unregul ated

read

unregul ated

read

gi ve

unregul ated

read

gi ve

sel l

unregul ated

read

gi ve

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sl eep

unregul ated

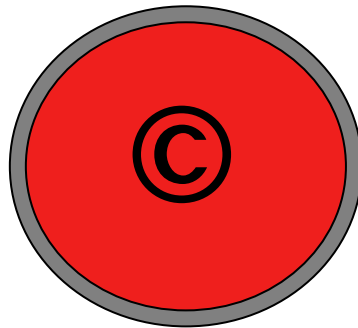


unregulated

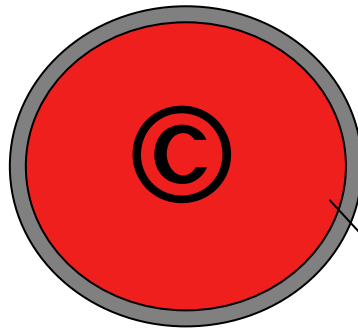
publish



unregul ated

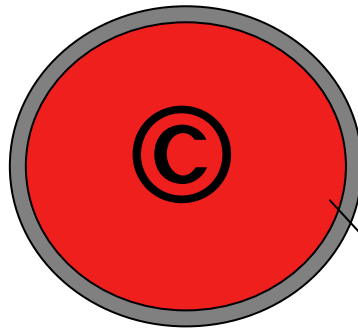


unregulated



fair use

unregulated



quote

uses

uses

- unregulated

uses

- unregulated
- regulated

uses

- unregulated
- fair use

uses


- unregulated
 - fair use
 - ©

enter the net

every

every
act's a

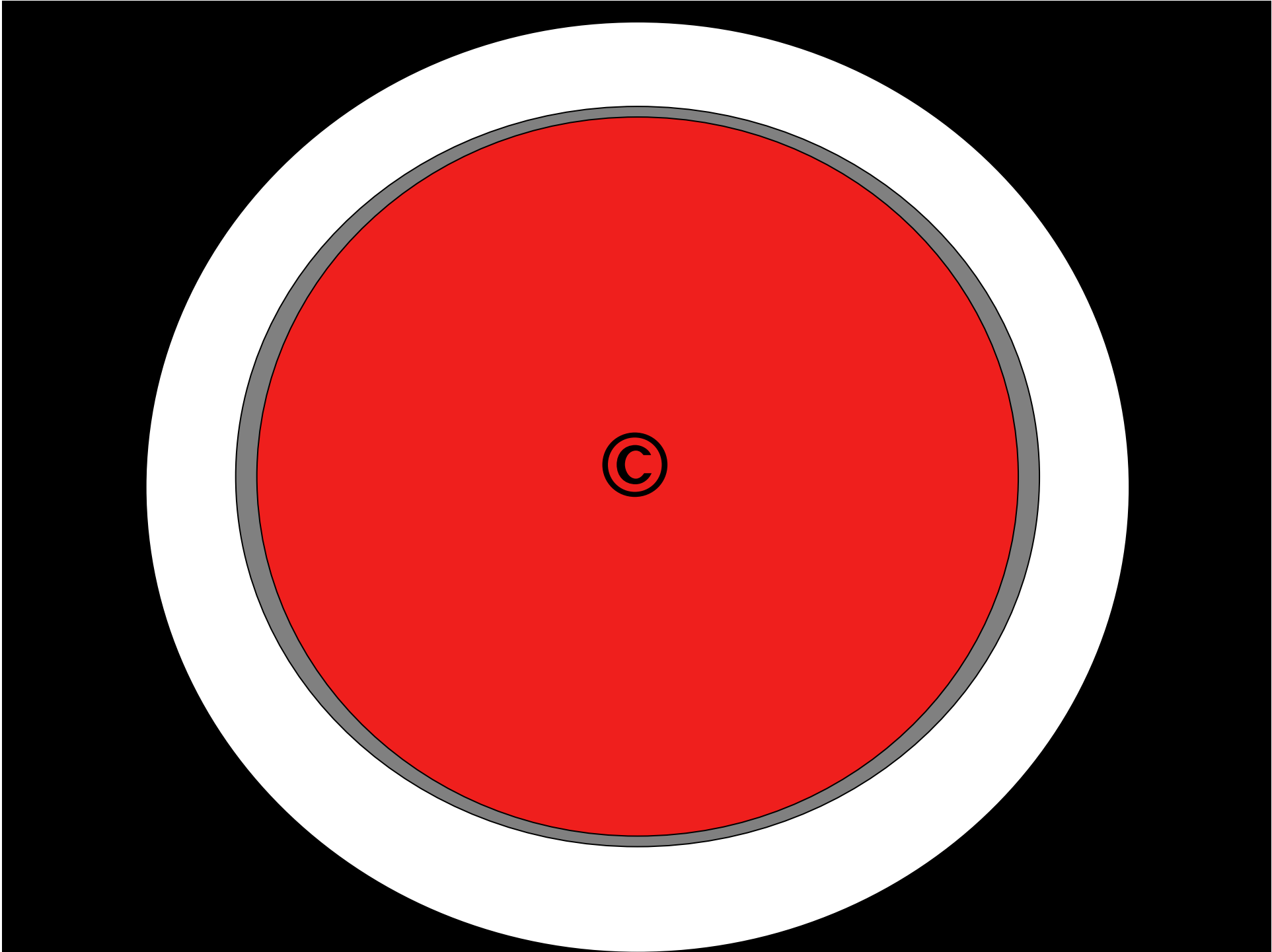
every
act's a
copy

A large white circle is centered on a solid black background. The circle's diameter is approximately 80% of the image's width and height.

unregulated
uses



regul ated



uses

- ~~• unregulated~~
- fair use
 - ©

"fai r use"



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Sorenson Video decompressor
are needed to see this picture.

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“teach your Ai bo
jazz”

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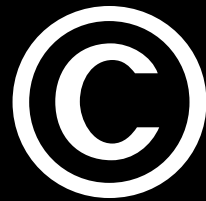




uses

- ~~• unregulated~~
- ~~• fair use~~
- ©

uses



controlled creativity

never more controlled

term

term
scope

term
scope
concentration

never

never
fewer

never
fewer
more

1773

control

<refrain>

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</refrain>

(4)

you

gnu

transparent creativity

free sharing

common base

create
like it's
1790

proprietary
v.
free

proprietary

v.

free

for now

<refrain>

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</refrain>

(5)

free code threatens

threats to free code

i tem:
sw patents

Mr. Gates
on sw patents:

If people had understood how patents would be granted when most of today's ideas were invented and had taken out patents, the industry would be at a complete stand-still today.

The solution . . . is
patenting as much as we can.

. . . A future start-up
with no patents of its own
will be forced to pay
whatever price the giants
choose to impose. That
price might be high:
Established companies have
an interest in excluding
future competitors.

The solution . . . is
patenting as much as we can.

. . . A future start-up
with no patents of its own
will be forced to pay
whatever price the giants
choose to impose. That
price might be high:

Established companies have
an interest in excluding
future competitors.

Established companies have
an interest in excluding
future competitors.

4 years

tiny changes

time changes

q. todd changes

apol ogi sts

what have you done?

“excluding future
competitors”

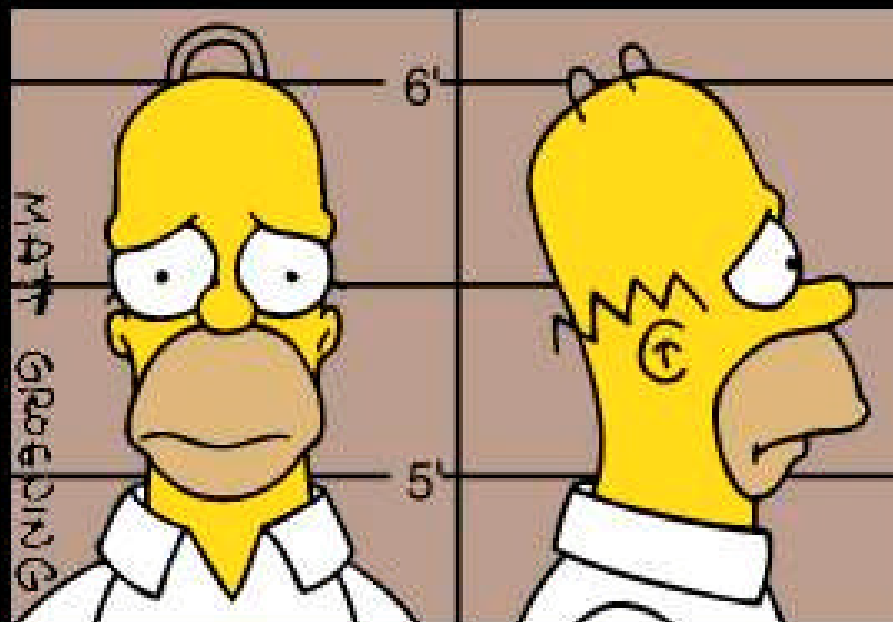
defensi ve

offensi ve

what have you done?

i tem:
copyri ght wars

homeri c tragedy



\$25, 000

i nsane rul es

i nsane rul es
for the whol e worl d

broadcast flag

mandated fri tz chi ps

“pol i ce state i n every
computer”

di gi tal vi gi l antes

"a terrorist war"

for what?

"to stop the harm"

the harm:

the harm:
5x

the harm:

5x

-5%

what have you done?

<refrain>

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society.

</refrain>

(6)

JC Watts

"If you're explaining,
you're losing."

JC Watts

6 years

what have you done?

Boucher
Cannon
Hank Perri tt

eff. org

do something

