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Copyrights And Copywrongs: The Rise Of Intellectual Property And How It Threatens Creativity



Synopsis

Copyright reflects far more than economic interests. Embedded within conflicts over royalties and infringement are cultural values about race, class, access, ownership, free speech, and democracy which influence how rights are determined and enforced. Questions of legitimacy of what constitutes intellectual property or fair use, and of how to locate a precise moment of cultural creation have become enormously complicated in recent years, as advances in technology have exponentially increased the speed of cultural reproduction and dissemination. In *Copyrights and Copywrongs*, Siva Vaidhyanathan tracks the history of American copyright law through the 20th century, from Mark Twain's vehement exhortations for ethical copyright protection, to recent lawsuits regarding sampling in rap music and the digital moment, exemplified by the rise of Napster and MP3 technology. He argues persuasively that in its current punitive, highly restrictive form, American copyright law hinders cultural production, thereby contributing to the poverty of civic culture. In addition to choking cultural expression, recent copyright law, Vaidhyanathan argues, effectively sanctions biases against cultural traditions which differ from the Anglo-European model. In African-based cultures, borrowing from and building upon earlier cultural expressions is not considered a legal trespass, but a tribute. Rap and hip hop artists who practice such borrowing by sampling and mixing, however, have been sued for copyright violation and forced to pay substantial monetary damages. Similarly, the oral transmission of culture, which has a centuries-old tradition within African American culture, is complicated by current copyright laws. How, for example, can ownership of music, lyrics, or stories which have been passed down through generations be determined? Upon close examination, strict legal guidelines prove insensitive to the diverse forms of cultural expression prevalent in the United States, and reveal much about the racialized cultural values which permeate our system of laws. Ultimately, copyright is a necessary policy that should balance public and private interests but the recent rise of intellectual property as a concept have overthrown that balance. Copyright, Vaidhyanathan asserts, is policy, not property. Bringing to light the republican principles behind original copyright laws as well as present-day imbalances and future possibilities for freer expression and artistic equity, this volume takes important strides towards unraveling the complex web of culture, law, race, and technology in today's global marketplace.

Book Information

File Size: 842 KB

Print Length: 255 pages

Publisher: NYU Press (August 1, 2001)

Publication Date: August 1, 2001

Sold by:Â Digital Services LLC

Language: English

ASIN: B004H0N01K

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Enhanced Typesetting: Enabled

Best Sellers Rank: #618,294 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #57

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Customer Reviews

This timely and wide-ranging book is useful on at least two levels. First, it rehearses some of the major steps and missteps that have brought us to where we are in the realm of copyright and intellectual property. Second, the book demonstrates explicitly some of the perils of the current legal framework. Vaidhyanathan sets out his own objectives thus: "This book has three goals. The first is to trace the development of American copyright law through the twentieth century. . . . The second goal is to succinctly and clearly outline the principles of copyright while describing the alarming erosion of the notion that copyright should protect specific expressions but not the ideas that lie beneath the expressions. The third and most important purpose of this book is to argue that American culture and politics would function better under a system that guarantees 'thin' copyright protection -- just enough protection to encourage creativity, yet limited so that emerging artists, scholars, writers, and students can enjoy a right public domain and broad 'fair use' of copyrighted material." I believe that he succeeds on these terms. Even better, the book is very well written as prose, which we'd expect from a creative academic with long experience in print journalism. (The book is also full of fascinating tidbits. Did you know that Samuel Clemens would spend a weekend in Canada to register each of his books there? He did it to fortify his copyright protection throughout the Commonwealth.) The chapters proceed more or less chronologically as Vaidhyanathan moves from early conceptions of copyright; through the careers of Mark Twain and D. W.

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