

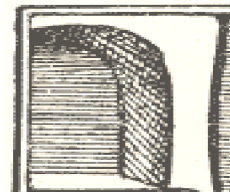
The Future of Copyright?

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To understand how a story ends

- We have to go back to the beginning.



Some things never change

- It appears a natural tendency for Governments to fear new communication tools. Publishing can be dangerous for all concerned
 - In 1663, a London printer who published a pamphlet which argued that the monarch should be accountable to his subjects, and justified the people's right to rebellion, was sentenced to be hanged, drawn and quartered.

From public censorship to private monopoly

- Through the fifteenth and sixteenth centuries governmental attempts to control the use of the printing press waxed and waned.
- An uneasy Trinity developed of author, printer and publisher with each having distinct rights and responsibilities

The 'Glorious' Revolution

- Took place in 1688 – A Dutch invasion of England.
- Parliament wanted to flex its muscles and Government control of printing was replaced by a new system of private monopoly in the form of the [Stationers' Company](#)
- Only members of this organisation could lawfully print and publish books
- Early notions also of authors' rights

The Statute of Anne

- The world's first copyright statute.
- Adopted largely out of trade considerations – See now TRIPS.
- A very short piece of legislation – around 4 pages
- Current UK copyright law probably runs into thousands of pages



Key elements

- .Essentially a public/criminal law regime.
- Offenders faced fines – although the proceeds would be shared between the Government and copyright owners
- Users also had a right to complain that the price charged for a work was too high – not clear how much use was made of this.

Excessive simplicity?

- Communication was a much, much simpler matter in the early 18th century.
- Copyright has developed and expanded over the last 300 years to encompass and regulate new forms of reproductive technology.
- From the later 18th century, the State also largely stepped aside and issues of copyright and possible enforcement were mainly the preserve of the civil courts.

And now?

- Copyright is in a complex situation and in many ways is looking for a legal home.
- The past decades have seen an expansion in owners' rights
- But owners have never been more vulnerable to infringement.
- The nature of piracy and the identity of the 'culprits' is changing.

Life is always puzzling

- In some respects copyright owners have more rights (and users less) than ever before
- Something is not working but how can it be fixed?
- To be effective law needs popular support
- Does copyright have this?

A Move to criminal provisions

- But law enforcement agencies are not convinced.
- Where should priorities lie?
- Millions of pounds (euros) have been wasted in failed prosecutions
- Juries have not been convinced. Why?

Where now?

- Very tentative thoughts
 - More and more of us work in what are referred to as the creative INDUSTRIES
 - The Digital Economy Act was sponsored by the Departments of Culture and for BUSINESS
 - Intellectual property has a rather vague legal status.
 - Lobbyists often talk about theft of IP
 - But IP rights exist only in statute

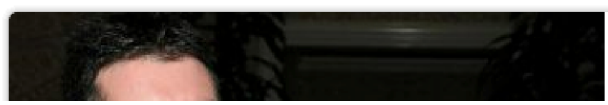
Somehow..

- A sense of fairness has to be restored
- Not an easy task and perhaps some modern media models are sending the 'wrong' signals
- Why should we pay for information?
- Or perhaps the question is rather how much should we pay?



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Remember King Canute



Fool or wise man?

- Traditional elements of copyright law
 - In particular the notion of exclusive rights
- May no longer be viable.
- Private law remedies may be of limited effectiveness
- But to secure criminal convictions you need to persuade juries that conduct is criminal.

The end

- There are always more questions than answers.
- It is easier to diagnose an illness than to cure it.
- Copyright has performed a complex balancing act quite successfully over centuries

But

- We cannot rely on civil law remedies
- Technical solutions will be circumvented
- To integrate copyright into the criminal law will entail a 'hearts and minds' process
- Many (most?) people do not believe that copying is wrong