

You Copy Cat

By Paul Gibson

YOU CAN CLICK BUT YOU CAN'T HIDE



The French government has passed a new law that proposes a “3-strikes and you are out” rule for Internet users who download music or content illegally. The measure includes two electronic warnings, a certified letter and finally, termination of internet service, while the consumer still has to pay for the service.

The controversial bill passed on May 13th in the French Parliament is in direct opposition to an EU directive that forbids any Member country from denying internet service without first taking the appropriate legal action in a court of law. The privacy issues involved are staggering. The government would have the right to view and access all of the personal computer

records on your PC, which will be considered by anyone as an intrusion of personal property etc.

Once again, the consumer or internet user that downloads content illegally will be subject to fines that range from 2-month internet disconnection to a year’s suspension - all of this, mind you - without the need to provide evidence that this person is actually committing a crime.

The implications of the new law would seem to violate most principals of criminal, civil and corporate law. Nevertheless, the bill has been passed by the French Parliament. The new laws passed against piracy in France have sparked similar intellectual property debates in other arenas, such as plagiarism and copyright law.

The British business periodical, the Economist, opened the debate just this past week, by announcing their position: “current copyright law does more harm than good.” The debate features two experts in copyright law. On the pro side, defending this motion is Professor William Fisher of Harvard University. On the con side, opposed to the motion, is Professor Justin Hughes of Cardozo Law School, New York. Each side of the debate raises very important legal, economic and social issues that are worth some deliberation and reflection.

The basic questions raised on both sides include: Does copyright law curtail or discourage creativity? Is it really a reward for originality? Do the current circumstances warrant the existence of such copyright laws? Shouldn't authors have to compete to sell their literary works in a free market, in much the same way as a restaurant competes in the market of food service?

300 years ago, copyright law or the right to copy a work - was actually designed to free up knowledge, not to limit its dissemination. The laws then were designed to limit the exclusive rights of the royal class to certain literary works, thus, making them available to the public domain more quickly. Nowadays, these laws might be considered as an unjust restriction on content, so a privileged few can charge the public for it.

What do you think? Is copyright law out-of-date? Does copyright law apply to artists that offer their content on the Internet? Shouldn't artists protect their works more effectively? Is government surveillance of the Internet even legal? These and many other matters will undoubtedly heat up the debate in months and years to come. In the meantime, this weekly is free, but is protected under copyrights that appear in the Creative Commons License User Agreement.

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