

STEAL THIS TALK

I DID

WHO IS THIS GUY?

- James O'Keefe
- Internet citizen for 21 years
- Working in Computer Software Industry since 1990
- Co-founder, Massachusetts Pirate Party
- 2002 & 2006 Green Party nominee for Mass. State Treasurer
- Why yes I do have a Masters in Economics, thanks for asking!

MAYBE YOU ARE A GENIUS, BUT SO WHAT?

- Knowledge is incremental
- Culture builds on what came before
- Everything is a remix of one variety
- We all stand on the shoulders of giants
- Even ...

SHAKESPEARE, THAT PIRATE

- King Lear borrowed from an earlier play called King Leir including the names of a number of the characters
- Hamlet took ideas from the Danish Gesta Danorum:
 - Main character's uncle kills his father and marries his mother
 - Main character acts weird to avoid suspicion
 - King tries to kill main character by sending him away with two men
 - Main character returns to kill king.
- Romeo & Juliet borrowed from Arthur Brooke's The Tragical History of Romeus and Juliet (1562 CE) and William Painter's Palace of Pleasure (1582 CE)

Source: <http://www.smbc-comics.com/index.php?db=comics&id=2212> &
http://en.wikisource.org/wiki/The_Danish_History/ &
http://en.wikipedia.org/wiki/Romeo_and_Juliet

THE START OF COPYRIGHT

- During the Middle Ages in Europe, the monks and nuns were the scribes who made books
- The Catholic Church controls the monks and nuns and so
- Controls the flow of knowledge

THE BLACK DEATH CHANGES EVERYTHING

- The Black Death arrives in the 1347 & ultimately kills between $1/3$ & $1/2$ of the European population
- # of scribes falls, cost of copying books goes up
- Need a better way to create books

ALONG COMES GUTENBERG

- Gutenberg introduces the squeeze press, metal movable type, oil based print inks and block printing in the 1440s
- However Chinese invented printing in 868, and movable type in 1041
- Gutenberg's press drives down the cost of making books and starts new industries such as book stores
- Which irks the Catholic Church since they no longer control the distribution of written knowledge

THE CATHOLIC CHURCH STRIKES BACK

- The Catholic Church tries to ban printed books and
- In 1535 they get the printing press banned in France which results in
- Pirate print shops across the border in neighboring countries
- We know where this leads - to the two Rs:
 - the Renaissance & the Reformation

COPYRIGHT AS A FORM OF CONTROL

- Mary I (Bloody Mary) ascends the throne of England in 1553
- Wants to make England Catholic, not like her dad, Henry VIII
- Pesky Protestants hindering her plans by printing their heretic material, but
- Banning the printing press in France didn't work
- So monopoly on the print press introduced in 1557. Called **copyright**.

TWO CAN PLAY THAT GAME

- Mary I dies in 1558, Elizabeth I ascends to the English throne
- Copyright helps her prevent people from discussing or disseminating Catholic material
- Parliament decriminalizes printing in 1641, book production soars, but then
- Reintroduces the copyright censorship monopoly in 1643

RETURN OF THE PRINTERS

- After the Glorious Revolution in 1688, the winners, who suffered under copyright, get rid of it in 1695
- Book production soared
- London Company of Stationers, not authors, ask Parliament for the monopoly back and get it in 1710.

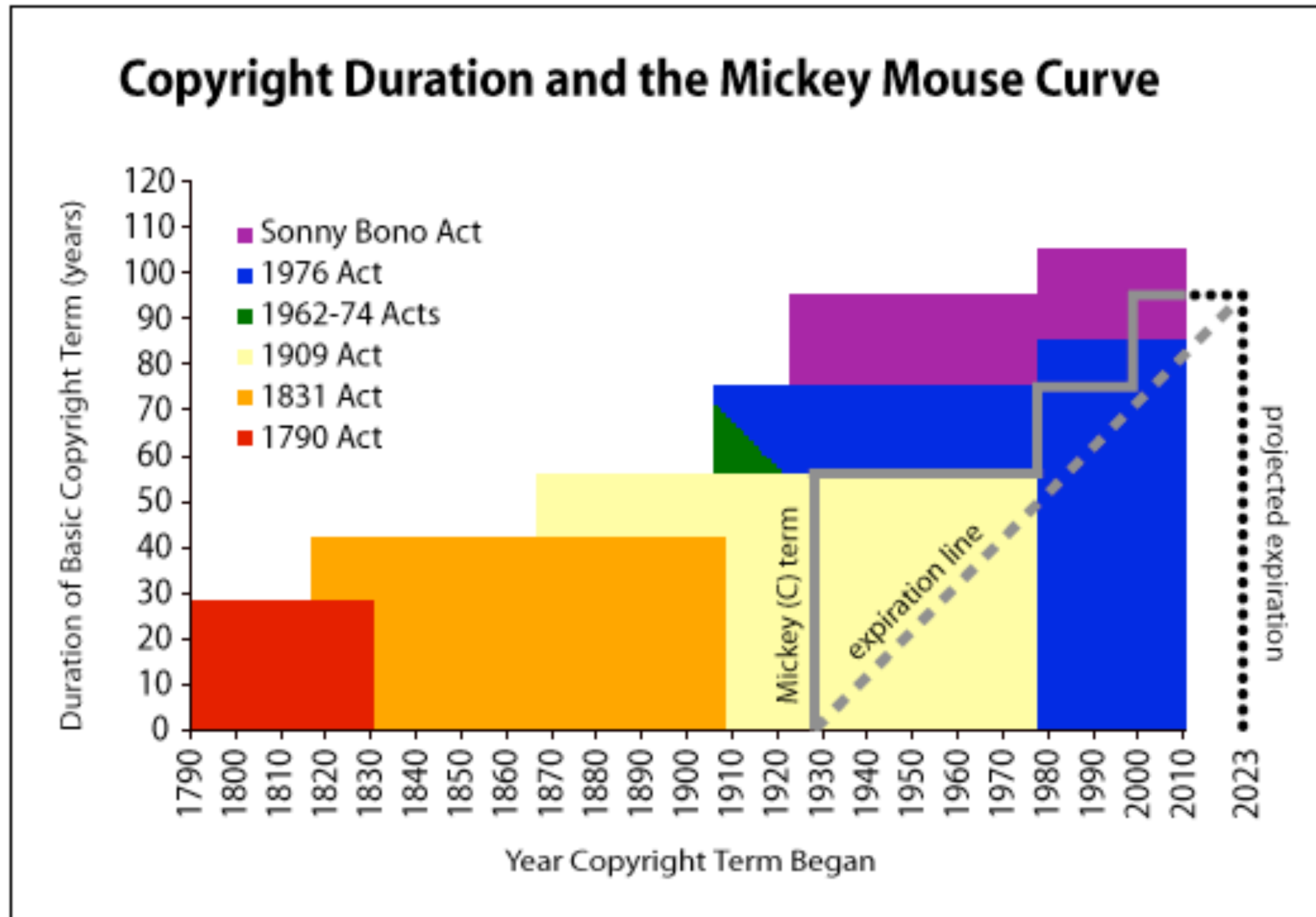
WHAT ABOUT THE US?

- US Constitution, Article I, Section 8, Line 8 states:
 - 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;
- The public is the only legitimate stakeholder, not the RIAA, MPAA, etc.

WHAT WAS COPYRIGHT?

- An author had to register his or her copyright
- Copyright lasted for fourteen years, but
- Could be extended by the author for another fourteen years
- Max duration of monopoly on such a work was twenty eight years

BUT CONGRESS EXPANDED IT OVER TIME



NOW EVERYTHING IS UNDER COPYRIGHT

- Because of the Berne Convention, copyright is automatic and need not be obtained through official registration with any government office



TECHNOLOGY FEARS

- Player pianos will deprive musicians of work
- Records will destroy the market for live musicians
- Radio played music to millions without paying
- Cable TV offered subscribers network TV without paying for it

WHAT DO YOU WANT TO DO, KILL MY JOB?

- Photocopiers will kill printing
- VCR is to film producer as Boston Strangler is to a woman home alone - Jack Valenti
- Cassette tapes: "Home taping is killing music."
- MP3 player/iPod - Copying CDs is wrong
- DVR - See TV & Cable TV

CREATIVE DESTRUCTION

- Records / Tapes / CDs encouraged people to see musicians at live shows
- Radio encouraged people to buy records / Tapes / CDs and go to live shows
- VCR opened up the home video market and paved the way for DVDs

BUT WHAT HAPPENED?

- Music - multi billion dollar industry
- Movies - multi billion dollar industry
- Television - multi billion dollar industry
- Entertainment technology - 2007 US Consumer Electronics sales were 150 billion dollars



WHAT IS THE NEW FEAR?

- Peer-To-Peer (P2P) file sharing
- Video / Audio streaming
- Video / Audio remixing without permission
- Price of recordings going to zero
- Loss of the entertainment industry as gate keepers and hit makers
- Loss of the winner take all / hit oriented few make it big market



THE COST OF SAVING THE OLD MODEL

- Digital Rights Management (DRM) technologies prohibit people from opening up and improving their own property;
- Laws such as the Digital Millennium Copyright Act (DMCA) require online services to censor their users' submissions;
- Laws such as France's HADOPI will disconnect whole families from the internet because they are accused of infringement;

THE COST OF SAVING THE OLD MODEL, TAKE 2

- Some content providers want to implement bulk surveillance of the internet to catch infringers;
- Extraordinarily complex legislation shoved through our legislatures without democratic debate such as the UK's Digital Economy Act or potentially the US' PROTECT IP Act
- Laws such as the PROTECT IP Act would allow the government and businesses to censor the internet with little if any due process.



A NEW WAY IS DAWNING

- For 95+% of starting artists, obscurity is the problem, not piracy



CWF+RTB

- Mike Masnick's formula: Connect with Fans + Reason to Buy (CwF+RtB)
- File sharing and other internet tools allow creators to get to know their fans better (CwF)
- Sell the scarce and give fans a Reason to Buy



REASONS TO BUY

- Access - in one survey, 19% of respondents claimed they would pay anything to meet their favorite star
- Attention
- Authenticity - including trust
- Exclusivity - something that few people have is valuable
- (New) Creation - the opportunity to help create something new is valuable - see kickstarter.com

MORE RTB

- Tangibility - physical products. Not just t-shirts and merchandise, but autographed CDs or limited # of individual frames from a music video
- Time (saving or making)
- Convenience - hello, iTunes
- Belonging - I'm your one true fan, man!
- Patronage - It worked during the Renaissance

CASE STUDIES

- Way too many to list beyond those off the top of my head, but Techdirt is a fantastic source:
- <http://www.techdirt.com/blog/casestudies/>

THANKS

- My wife for enduring the light until 3am while I wrote this talk
- My fellow Pirate Party members, esp. those in Massachusetts
- Rick Falkvinge, who started piratpartiet.se
- Nina Paley for letting anyone share her cartoons without asking permission
- Cory Doctorow, an author leading the way
- Mike Masnick, for showing us a new path

