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
- 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)

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

Source: http://falkvinge.net/2011/02/01/history-of-copyright-part-1-black-death/
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

Source: http://falkvinge.net/2011/02/01/history-of-copyright-part-1-black-death/
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

Source: http://falkvinge.net/2011/02/01/history-of-copyright-part-1-black-death/
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.

Source: http://falkvinge.net/2011/02/02/history-of-copyright-part-2-tudoric-feud/
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

Source: http://falkvinge.net/2011/02/05/history-of-copyright-part-3-the-monopoly-dies-and-rises/
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.

Source: http://falkvinge.net/2011/02/05/history-of-copyright-part-3-the-monopoly-dies-and-rises/
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.

Source: http://www.usconstitution.net/const.html#Article1
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
IF YOU DON'T INCENTIVIZE MY CREATION WITH COPYRIGHT...

I'LL STOP PRODUCING THE MERCENARY COMMERCIAL PRODUCT LAWYERS CALL "ART"!

PROMISE?
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 gatekeepers and hit makers
- Loss of the winner take all / hit oriented few make it big market
I support free markets.

FREE?!

WHAT ARE YOU, A COMMUNIST?

COPYING A SONG INSTEAD OF BUYING A COPY IS STEALING!

DOING FOR YOURSELF WHAT YOU COULD PAY SOMEONE ELSE TO DO IS STEALING!

COMPETITION IS STEALING!

Source: http://mimianndeunice.com/category/ip/
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 Millennial 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;

Source: http://www.guardian.co.uk/technology/blog/2010/oct/05/free-online-content-cory-doctorow
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.
I've hitched my wagon to a star!

I've hitched mine to a turd.

And I'm criminalizing stars to protect myself from competition.

Source: http://mimiandeunice.com/category/ip/
A New Way is Dawning

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

Source: http://mimiandeunice.com/category/ip/
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
SO SAD.

SOMEONE NEEDS TO FIGURE OUT A WAY FOR PEOPLE LIKE YOU TO MAKE MONEY!
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

Source: http://www.techdirt.com/articles/20100125/1631147893.shtml
**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/](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
HOW MUCH DOES YOUR LOVE COST?

LOVE IS FREE!

DON'T YOU VALUE LOVE?!