Copyright Extremists Should Not Control Information Flow

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Copyright extremists are working to control as much information as possible. Almost every week we see a new example of how they are thwarting the free flow of information.
The leaders of the copyright lobby are the Hollywood movie distributors and the major music corporations known as music labels. The latter don't create any music; they just market and distribute CDs with music after they acquire control of the copyrights.

The major music labels operate through a lobbying organization called RIAA (Recording Industry Association of America) to maintain their monopolistic interests and stifle the online distribution of music. Its five largest members, which sell 85 percent of all CDs, were found by the Federal Trade Commission in 2000 to have unlawfully kept the retail prices of CDs high.

The RIAA has pressured colleges into policing the computer networks used by their students. It has subpoenaed computer network providers in order to track people listening to music.

The U.S. Naval Academy seized 100 student computers suspected of containing unauthorized music and threatened the Annapolis midshipmen with court-martial and expulsion. These fine students are training to fight a war in behalf of our country, and they should be allowed to listen to a little music in their spare time.

The copyright extremists argue that essentially all downloaded music is illegal. They successfully lobbied Congress into extending copyright terms to life of the composer plus 70 years, and now they claim that copyright owners can dictate how, where and when people listen to music.

The U.S. Supreme Court is currently considering a challenge to the constitutionality of the latest copyright extension. Congress has extended the time period eleven times in the past 40 years.

All authority for copyright law comes from the U.S. Constitution, which states that the purpose of copyright protection is "to promote the progress of science and useful arts" and that copyright protection is granted only "for limited times."

The RIAA tried to put small radio station webcasters out of business while secretly giving National Public Radio affiliates a sweetheart deal not available to other radio stations. Only last- minute intervention by outgoing Senator Jesse Helms gave small radio stations the legislative right to play music while paying reasonable royalties.

A teenager is on trial in Norway for figuring out a novel way to play DVD movie discs on his personal computer. He should be commended for his ingenuity, not punished.

Adobe (a U.S. computer software company) persuaded U.S. law enforcement to throw a visiting Russian scholar in jail after he revealed some shortcomings in an Adobe e-book product at a public conference in this country. He was eventually released on condition that he testify against his own company.

The company has just been acquitted in a jury trial. Adobe could not find any example of anyone using the Russian software improperly.

Major retailers are now using copyright law to try to stop websites from posting advance information about sales. It's understandable that retailers want to keep it secret that they might be cutting prices after a holiday, but that is not the purpose of copyright law.

Microsoft now uses its Windows license agreement to try to limit criticism by its customers. It says, "You may not disclose the results of any benchmark test of the .NET framework component of the OS Components to any third party without Microsoft's prior written approval. ... All rights not expressly granted are reserved by Microsoft."

The CEO of Turner Broadcasting says that television viewers are guilty of "stealing" if they skip the commercials. She says, "Your contract with the network when you get the show is you're going to watch the spots."

Eight Hollywood studios have filed suit against local retailers who buy their videos and DVDs and then delete the nudity, violence and foul language for the benefit and at the expense of their customers. Hollywood doesn't lose any sales from this practice; Hollywood is just determined to force viewers to watch the lurid sex and violence.

Copyright extremists are committing all this mischief under current law. Yet, the music labels and Hollywood argue that current laws are not strong enough, and they are lobbying for an assortment of new anti-consumer legislation.

One proposal would allow them to vandalize computer networks that they believe might be transmitting unauthorized content. Another proposed bill would force computer equipment makers to rig their computers so buyers can only see and hear what is authorized, and another proposal would give copyrights to privacy-invading databases.

The purpose of copyright law is to provide incentives and protection to authors to create and publish original works, not give corporations the power to control the flow of information. We should not permit copyright extremists to exploit current laws for that goal, and we should reject their demands that Congress give them even broader power to control and license information.