

Jonathan COLLINS: The Wild, Wild Net: Copyright – Dead or Alive?

Society is at a crossroads in its relationship with the rise of the open architecture of the internet and the onslaught of copyright infringement. Nonetheless, copyright possesses significant elements of economic policy, regulating the international flow of ideas and knowledge-based products. Employed from creation to dissemination, the construct is said to offer protection at each stage of the creative process. Still, what copyright is is dependent on how law defines it. Yet, the unsuccessful draconian legal and technological efforts employed to stem this assault have resulted in an imbalance, favouring protection over dissemination.

The piece aims to dispel the rhetoric of the present copyright agenda to reveal the reality of the situation, while illuminating the growing chasm between consumers' expectations and the copyright industries' refusal to meet those expectations. The advanced possibilities of user interaction with digital content have resulted in a shift from passive receivers to active users and creators, and this entire universe of peer-produced information gains no benefit from strong intellectual property rights. The article determines a solution of trade-offs, employing a human rights analysis between fostering incentives to create new information, and diffusing its benefits throughout society. The piece advances the writings of Zimmerman, who notes "authorship does not depend heavily on ownership" and that of Lessig who argues for "compensation without control", while simultaneously being ever mindful of "maximising value, not protection".

Effectively the law as it stands is ill adept to generate sufficient flexibility to address the current difficulties of the digital environment, and for such reasons it cannot be expected to produce statutes which will improve with age. The implications to the market, concerned industries, authors, end-users and future technological advancement each hinge on finding a solution to this daunting problem, be it through a strengthening of the current regime or via alternative methods.