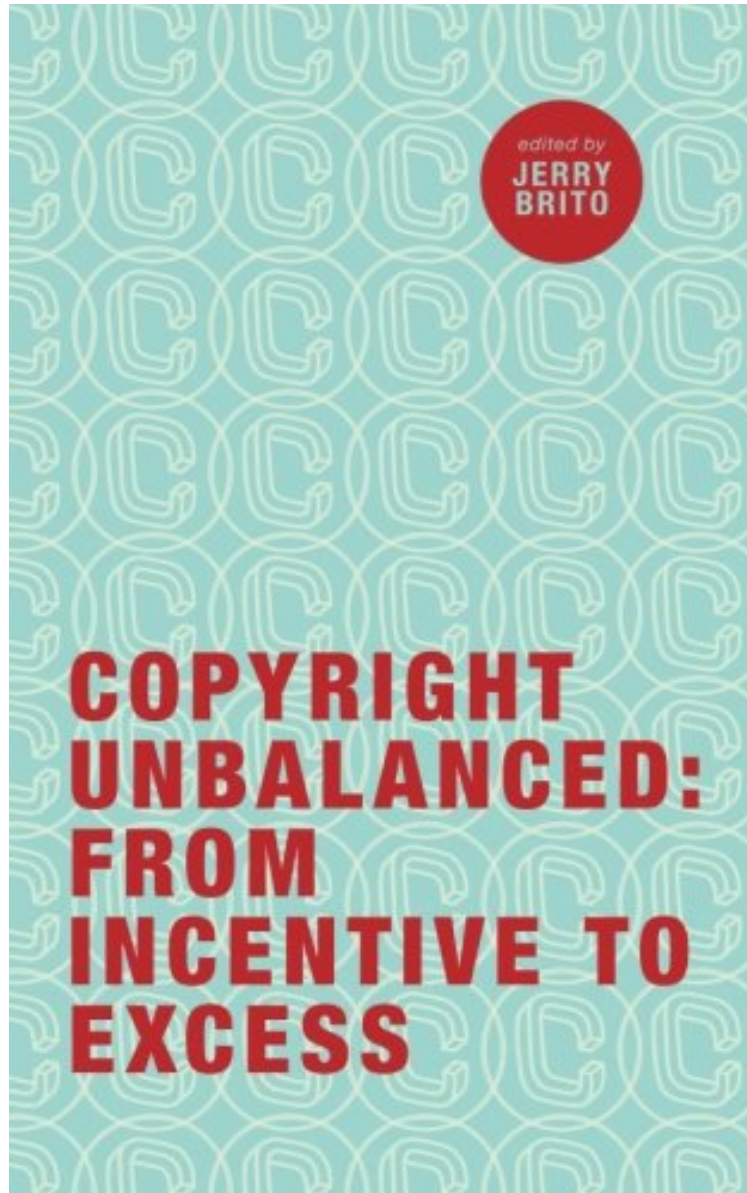


(Download) Copyright Unbalanced: From Incentive to Excess

## Copyright Unbalanced: From Incentive to Excess

*Jerry Brito, Tom W. Bell, Eli Dourado, Timothy B. Lee, Christina Mulligan, David G. Post, Patrick Ruffini, Reihan Salam*

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**Jerry Brito, Tom W. Bell, Eli Dourado, Timothy B. Lee, Christina Mulligan, David G. Post, Patrick Ruffini, Reihan Salam : Copyright Unbalanced: From Incentive to Excess** before purchasing it in order to gage whether or not it would be worth my time, and all praised Copyright Unbalanced: From Incentive to Excess:

1 of 1 people found the following review helpful. Some excellent essays.By simon matthewAlthough I am a fairly

traditional liberal or social democrat, I am very impressed by the work libertarians are doing on copyright reform. If you skip the first two essays explaining why this issue should matter to conservatives (and which contain a bunch of unnecessary democratic bashing) the next three articles on the problems with SOPA, civil asset forfeiture and the criminalization of copyright infringement, and free expression and innovation under the DMCA are excellent. Highly recommended!7 of 9 people found the following review helpful. Better subtitle: a libertarian perspective for conservatives

By J. Velson

From the outset, this book is a good collection of essays on how the institution of copyright has gone from being a rewarding, innovation-promoting artificial scarcity constraint to one that has been captured by rent-seeking interests. There's a lot good in here. I have to admit that I bought the volume with a pre-existing bias in favor of the topic but I came away more convinced than I had before. Even so, unfortunately, the book ultimately failed for me. I'll tell you why.

The book is a consistent attempt to frame copyright as problem conservatives should care about. The first essay title, "Why Conservatives and Libertarians Should Be Skeptical of Congress's Copyright Regime," is item one on a long list of features of this book that reach out to conservatives. The main themes are not only of freedom, as befits a book from the libertarian Mercatus Center, but also of overreach of government power, rent-seeking, and economic efficiency.

At this point, it becomes worthwhile to reveal my own political leanings. While I would like to think of myself an uncategorizable classical liberal, for the last several years I have (grudgingly) voted Democrat in national elections. As a result, this book seems to have talked right past me. It consistently spoke from a conservative-libertarian viewpoint and proceeded from those underlying assumptions and arguments. There's nothing wrong with that, and in the past I've read intelligent and trenchant commentary from conservative and libertarian scholars (many of the same ones in the book, in fact) that has broadened my understanding and perspective on many issues. But rather than merely speaking the language of conservatives, this book goes a little farther and makes a series of unnecessary attacks on Democrats.

But here's the thing: copyright reform shouldn't be a partisan issue. Conservatives should fear government overreach just as liberals should fear government aiding and abetting corporate power. Conservatives should argue for reforms to the DMCA for reasons of ensuring the rule of law and the right to due process just as liberals should argue for the same reforms to protect vulnerable groups from a system essentially designed on the basis of "guilty until proven innocent." And everyone should understand the economic arguments. Just as everyone should understand what this book doesn't: both major parties are guilty. Yes, the Democrats are "responsible" for the DMCA because they were in power when it passed. It also passed with bipartisan majority support. The horrendous ACTA was begun under the George W. Bush administration and continued under the Obama administration, and the ongoing negotiations for the TPP's IP provisions have been greeted with silence by the vast majority of our elected representatives of both parties. Congressional Republican Study Committee staffer Derek Khanna was summarily jettisoned from his position after authoring probably the first reasonable IP reform brief by any major party in the last decade. It doesn't take a rocket scientist to figure out why he was let go.

For a conservative, the Democrat-bashing in this book might increase its credibility but for me this made the essays transition from merely talking past me in many ways to leaving me with a sour taste in my mouth. We need reform, not finger pointing, and this book can't resist the urge to indulge in the latter. It's often said among libertarians that Democrats and Republicans each see only half of the story; I think this book is no exception.

This is a good collection of essays, and I wish I could say it worked for me. Unfortunately, it did not. It would have been better if it weren't so one-sided.

1 of 1 people found the following review helpful. Useful Examples of Copyright Law Gone Very Wrong

By Eric Goldman

The title says it all: copyright law was designed to provide incentives to author new works, and yet somehow we've reached a point where copyright doctrine is excessive. This slim volume doesn't attempt to definitively explain how things went so far wrong, but it does provide one useful vignette after another of real-life problems created by excessive copyright doctrines. If you're like me and follow the online copyright battles carefully, there probably won't be too much in the book you didn't already know. In contrast, if you haven't been watching the copyright debates super-closely, I think it will be impossible to read this book and not get confused--and angry--about how we reached such a ludicrous place.

The chapters are short and tightly written, making the book a quick read, and the authors are leading experts in the field. If you view current copyright law neutrally or favorably and don't understand why some folks are so unhappy about copyright law, read this book. In less than 2 hours, this book will give you plenty to think about. [Note: I got a free review copy]

Restoring the Balance between Protection and Innovation

The Constitution gives Congress the power to establish copyright to promote the Progress of Science and useful Arts. This requires Congress to engage in a delicate balancing act, giving authors enough protection that they will be motivated to create expressive works, but not so much that it hampers innovation and public access to information. Yet over the past half-century Congress has routinely shifted the balance in only one direction--away from access and freedom and toward greater privileges for organized special interests. Conservatives and libertarians, who are naturally suspicious of big government, should be skeptical of an ever-expanding copyright system. They should also be skeptical of the recent trend toward criminal prosecution of even minor copyright infringements, of the growing use of civil asset forfeiture in copyright enforcement, and of attempts to regulate the Internet and electronics in the name of piracy eradication. Copyright Unbalanced is not a

moral case for or against copyright; it is a pragmatic look at the excesses of the present copyright regime and of proposals to expand it further. It is a call for reform to roll back the expansions and reinstate the limits that the Constitution's framers placed on copyright.

About the Editor Jerry Brito is a senior research fellow at the Mercatus Center at George Mason University and director of its Technology Policy Program. He also serves as adjunct professor of law at Mason. He has written for both online and print publications, including the Wall Street Journal, New York Times, Reason, Wired.com, Ars Technica, and The Atlantic. Brito is the co-author of *Regulation: A Primer*, with Susan Dudley.

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