

Morality and Copyright Laws:

Who owns Information?

It was in 1710 that the government of England enacted the Statute of Anne, “a law that allowed authors to prevent others from copying their books” (Stim 1). However, our world is becoming more and more complex. Therefore, this basic principle has had to evolve into our modern copyright laws, which encompass books, music, films, and artwork. People are trying to “make a buck” in every and any way possible. One way they once made money was by selling someone else’s original work as their own. It was because of people like these that authors, writers, and creators wanted some guarantee and protection of their work. Today, because books could be stored electronically and sent around the world via World Wide Web, many thought that society would very soon see the death of the printed word.

So, are books going to be on the extinction list along with the dinosaurs? According to Stephen King, the answer is “no.” “Since 1973, King has earned his fortune from copyrights on dozens of books such as *Carrie*, *The Shining*, *Misery*, and *The Stand*. King’s rights are protected under the same principles that have shielded authors since 1710” (Stim 1). As soon as one of King’s literary wonders is ready for publishing, he acquires a “bundle” of rights, one of which is his exclusive right to publish the book. The rights also allow King to carry characters from book to book and have his words protected wherever they may appear. King’s works will not be protected forever, though. After King’s death, there will be a seventy-year period in which his literary works are protected.

In 1976, the Copyright Act was instated. The law spun off the idea that Congress should promote the progress in writing and the arts by allowing an author to have the sole ownership of their words. The author’s copyright rights can only be exercised by the author himself, or he or she whom the author has transferred the rights to. Ethics has broadened its spectrum, from basic personal ethics, to more complex medico-moral ethics, which doctors deal with every day. In our age of technology, ethical principles that can be applied show that when copyright laws are violated, morality is too.

Information, protected through the Library of Congress' Copyright Office is crucial to the development of our society. The Copyright Office publishes circulars, which can be obtained by the public on what the copyright laws are in the United States and how to get their own works to be copyrighted, for a nominal fee. One of the circulars published by this office, *Copyright Law of the United States* begins with a statement included by the Framers of the United States Constitution from the first Article in the eighth. It reads that “*The Congress shall have Power...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*” (United States of America).

What can be copyrighted? When copyright laws were first implemented, only books, maps, and charts were protected. As lawmakers approached a new era, the twentieth century, they saw a need to expand the copyright laws. In the 1800s, copyright also included designs, engravings, etchings, musical compositions, right of performance of dramatic works, photographs and negatives, paintings, statues, and fine arts. But, the technological advancement that ratified copyright significantly was motion pictures. However, people wanted more to be protected, so in 1976, the “copyright law [was] amended to cover original works of authorship fixed in any tangible medium or expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device” (Bielefield 32). This was the all-encompassing law that creators were looking for.

With so many mediums of information that can be copyrighted, what cannot be copyrighted? To the surprise of many, some things cannot be the sole ownership of one person. Some of things of trivial value cannot be copyrighted. “Such things as titles, slogans, and minor variations on works in the public domain are not protected by the law of literary property” (Pember 460). There is also a common misconception that ideas are copyrightable. This is not true. In fact, “The law protects the literary or dramatic expression of an idea, such as a script, but does not protect the idea itself” (Pember 460). Things that make other things, such as utilitarian items, are not copyrightable. Consequently, systems, mathematical principles, equations, formulas, or methods cannot be copyrighted, either. An interesting concept is that the “copyright on an article or a book does not

preclude the public from making use of what the book teaches” (Pember 460). Works created by the United States Government, clothing designs, typeface designs, calendars, scientific charts, radio and television broadcasts are not entitled to the benefits of copyright protection (Charmasson 167).

Changes in copyright have come about due to modern technology, as it has made it easier than ever to reproduce materials. Most creators are worried that copyright laws will not make additional provisions to ensure that their work is protected, even as technology changes. As we have seen, in 1976 and 1998, copyright laws quickly change to reflect the technology and means of the time. Why would anyone want to burden him or herself with getting a copyright before 1976? Before 1976, the person who wanted his or her information to be copyrighted had to take all of the steps necessary to ensure that it was part of registered copyrighted materials. To creators’ delight, after 1976, “all original materials that exist in tangible form are automatically protected by U.S. copyright and do not require individual registration” (Vesely). Then, when the “Internet boom” swept the nation, some amendments “to the federal copyright law enacted in 1998 criminalized the unauthorized use of all Web related sources” (Vesely).

What are the rights of copyright holders? The “bundle of rights” include, but are not limited to, the “the right to make copies of a protected work,” “the right to sell or otherwise distribute copies to the public,” “the right to prepare new works based on the protected work, and” “the rights to perform a protected work or to display the work in public” (Irving 7.5). Even though the owners exclusively have these rights (unless they sell them), works are too often pirated, which can be viewed as a form of property theft. The original drafters of our nation’s Constitution could not have possibly known of the new technology that would be flying off the store shelves and into family homes. These new scanners, printers, cameras, and electronic devices make pirating easier than ever.

The other side of this viewpoint – that of the public is a different story. In the eyes of the public, “intellectual property is not ordinary property; it is the basis of intellectual freedom and prosperity due to recycling of cultural wealth” (Vesely). Educational and other non-profit organizations believe that information should have some protection, but should also be made freely and readily available to for learning purposes.

They feel that to ask the author for permission, to get legally the reproduction of a work approved, they are being “legally and politically penalized” (Vesely).

The Digital Millennium Copyright Act, passed on October 12, 1998, explicitly lies out for computer users the new guidelines passed to protect creators. The act is working to enforce its provisions which are the following: “prohibition of the circumvention of digital antipiracy devices;” “prohibition of the removal of secret codes known as digital watermarks from digital files;” “limitations on liability for Internet Service Providers (ISPs) in the event an infringing copy is offered online;” “protection for computer repair workers from certain claims of infringement;” “licensing standards by which Internet providers can webcast music”; and “a new form of intellectual property protection for the design of boat hulls” (Stim 13). There is a notion among “computer hackers, that their circumvention activities strengthen society in the digital age by exposing weaknesses in computers systems” (Vesely). Good faith should intervene here. Hackers should not have to worry about reporting security flaws to higher authorities, but they are. Penalties for exposing that you have found a flaw, even in good faith, are high.

The French tragic writer Bernard Joseph Saurin said in his work *Spartacus* that “The law often permits what honor forbids.” This principle also applies when it comes to copyright law. Through ethical analysis, one can find that copyright laws in effect today were created for the protection of the creator and the reader or viewer. Both sides of the issue were carefully debated and considered when copyright laws originated. Leonardo da Vinci was also quoted as saying that “He who can copy, can do.” Creators who spend their time and effort into making a masterpiece should not be deprived of the ownership of their words and of their innovative, valuable time.

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