

Global Media Sharing: New Intellectual Property Challenges

Image of anime “What’s with the customers today?” removed for copyright reasons.

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Foreign Languages and Literatures

A “culture of piracy”?

Intellectual property arms race

- Multiple generations of peer-to-peer software
 - Napster (peer-to-peer)
 - Kazaa (decentralized)
 - Bit Torrent / eDonkey (swarm downloads)
 - 4th generation . . . (anonymity?)
- Entertainment industry responses
 - lawsuits against companies, consumers
 - spoofed files, encryption of CD and DVD
 - education, advertising
 - experiments with legal online distribution

P2P is majority of Internet traffic

- P2P traffic outpaces Web traffic from 2003
- P2P traffic growing steadily despite lawsuits

Graph of Internet Protocol Trends 1993-2004 removed for copyright reasons.

Source: CacheLogic “P2P in 2005” report (accessed 9/18/05)

<http://www.cachelogic.com/research/p2p2005.php>

Rosemary Coombe (1996)

"The Cultural Life of Intellectual Properties" (Duke)

- "The mass-produced, media-circulated cultural form accrues social meaning in a multiplicity of sites, but legally the meaning of a text is produced at a mythic point of origin." (8)
- "The law freezes the play of signification by legitimating authorship" (8)

Lawrence Lessig (2004)

Free Culture

- "Big media uses technology and law to lock down culture and control creativity."
- All media industries were born of piracy (film, recorded music, radio, cable TV)
- Copyright law once targeted publishers, but
- in Internet era, everything online is technically a copy, and falls under copyright

Image of Samurai Champloo from
www.anime-station.org removed for
copyright reasons.

TV broadcast in Japan began May 2004

Must-Download TV

Image of AnimeStation removed for
copyright reasons.

Image of Samurai Champloo from
www.anime-station.org removed for
copyright reasons.

Image of Samurai Champloo from
www.anime-station.org removed for
copyright reasons.

Samurai Champloo official website, 9-05

Image of Samurai Champloo 24
Translation notes from www.anime-station.org removed for copyright reasons.

DVD

Fansub (AonE)

Images of Samurai Champloo DVD
and Fansub (AonE) from
www.anime-station.org removed for
copyright reasons.

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US and Asia dominate P2P

Graph of Internet Mix of P2P Traffic Volume by Region removed for copyright reasons. Source: CacheLogic “P2P in 2005” report (accessed 9/18/05)
<http://www.cachelogic.com/research/p2p2005.php>

Video dominates P2P

Mix of Traffic by P2P Network

Graph of Mix of Traffic by P2P Network
removed for copyright reasons.

Industry fears illegal copies

Image of Ad in *Oricon*
Jan. 2003 removed for
copyright reasons.

But Sony and Avex announce Sept. '04 that
they will stop using "copy control CDs."

US lawsuits effective?

- Fewer report downloading, but traffic still grows
- iTunes shoppers, etc. are increasing at the same time

Image of Graph of P2P
Undeterred: Since August '03
Illegal P2P Music Downloads
Have Held Steady Despite Growth
of Legal Services (Billboard, May
2004) removed for copyright
reasons.

Many cultures of sharing/piracy

- Music fans
 - not so much sharing in Japan c.f. the US
 - fans hate “industry,” but will support artists
 - legal services grow even as sharing increases
- Anime fans
 - fewer lawsuits, more self-policing by fans
 - e.g., remove links once DVD is released in US
 - a desire to “support anime culture”

Discussion

- 1) Does it make sense to talk of a "Japanese approach to copyright"? How are "cultures" and "copyright" related?
- 2) As scholars, what should our position be regarding copyright? How do we balance the ease of E-Reserves, online PDFs of articles, electronic databases and so on with publishers' financial concerns and questions of author's control of their work?
- 3) Should there be limits on the ways that publishers and media companies can enforce copyrights? If so, what would be the basis for such limits?
- 4) If both technological innovation (e.g. iPods) and popular culture (music, anime) are growth industries for Japan, what principles should guide policy?
- 5) Should teaching popular culture provide a safe haven for use of copyrighted materials? What uses are "fair use"?