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Copyright, or Copywrong?

Privatization and the public domain are waging war. Centuries ago, physical property was all that existed and it was easily managed. However, things are significantly more complicated in the year 2016. Someone can own an idea, a piece of digital content that doesn't even exist in the physical world, the likeness of an image, or even a musical melody. In *Freedom of Expression*®, Kembrew McLeod gets his hands dirty in the investigation of the nitty gritty politics that surround intellectual property laws.

An enlightening aspect of *Freedom of Expression*® is that it doesn't only give an overview of the current landscape of intellectual property law. Kembrew McLeod makes sure to elaborate on how society arrived at our present situation. Understanding the past is integral in preparing for, and critiquing, the future. **(1) One of the key assertions made by the author is that the public domain is shrinking due to an increase in privatization and the corporate desire for ownership.** McLeod insists that “in recent years, there's been a significant erosion of both the cultural commons and the genetic commons, resulting in a shrinking of the public domain” (McLeod 15). He illustrates this with two examples. First, the classic Woody Guthrie folk tune “This Land Is Your Land” perfectly demonstrates how the cultural public domain can be utilized to create new forms of artistic expression. Before the music industry was so rigid and controlling, the creation of songs was organic and drew upon centuries of collaboration and sharing of ideas. Today it would be considered stealing, but back then “Guthrie drew from the culture that surrounded him and transformed, reworked, and remixed it in order to write moving songs that inspired the working class to fight for a dignified life” (24). This made being an artist less about making money and more about empowering people. The second example of public domain shrinkage pertains to our genetics, which have existed since the beginning of the human race. Specific DNA sequences that trigger therapeutic responses are being privatized by biotechnology companies. This allows large corporations to

patent specific genes for profit. This process of monopolizing the human genome “has fundamentally altered the long-standing scientific norms of sharing and openness in the field of genetics...and many insiders have argued it has made it more difficult for researchers to do their scientific work” (36). Some of history’s greatest medical breakthroughs might have not come to fruition under the harsh limitations of present day. **(2a) I wholeheartedly agree with McLeod’s claim** that the creative commons are shrinking, and the examples he presents are effective illustrations of this trend. **(2b)** Having content be free and unrestricted only equips artists with more tools to create, inspire, and share ideas. MIT publishes a journal titled *Perspectives on Science* which composed a comprehensive analysis of the new gene patenting phenomenon. It emphasized: “As private funding of biotechnology continues to increase, so too has the commodification of biological entities...Gene patent owners enjoy a monopoly on downstream research on diagnostics and therapeutics. Whether or not they permit access to such research, and at what cost, is totally dependent on the patentee” (Myles 100). We would all like to fantasize that biological research controlled by private companies would be more focused, better funded, and quickly implemented. In reality, the opposite has transpired. Many of these corporations are abusing the patents for financial benefit, requiring researchers to pay ridiculous amounts to use specific private genes. It’s been historically proven that “the existence of a large and thriving public domain enriches the quality and diversity of creative expression” (McLeod 28).

With the rise of intellectual property, one would assume that the power of ownership has increased, and the concept of property has been more solidified. However, (1) **Kembrew McLeod reveals that IP has led to a convoluted definition of property, and ownership is now less meaningful.** Electronic books are one recent example. When the e-book edition of *Alice in Wonderland* is opened in a reader software, the options to copy text, print a passage, share the book with a friend, or read the text aloud, are all disabled by the program’s privacy functionality. Apparently “it wasn’t unusual for publishers to disable the ‘read aloud’ voice synthesis function on the computers that stored e-books” (McLeod 270). For a long duration after the advent of e-books, blind individuals were at a loss of how to

enjoy their newly purchased electronic novel. The beloved iTunes media player is also a culprit of this bait and switch technique. Apple “legally sells digital music files with ‘locks’ that prevent free copying” (272). When you purchase a CD from a store, you have the ability to rip the CD to a digital format and then burn a copy for a friend. iTunes eliminates that possibility by encoding digital restrictions to mp3s bought from their online store. What does ownership really mean if there are limitations on the use of your “purchased” digital audio? **(2a) I agree with McLeod’s claim that modern ownership has become blurred and possession is now a grey area. (2b)** Intellectual property laws have created a new type of pseudo-ownership that has boundaries. Property now comes with its own fine print. In the scholarly journal *Popular Music and Society*, David Arditi declares that “the development of iTunes, along with the RIAA’s litigation against file sharers, has given online music stores a structural advantage in distributing music on the Internet” (Arditi 413). This takes power away from the musicians and consumers, and allows for-profit corporations to flourish.

In conclusion, I agree with Kembrew McLeod’s claims that the public domain is shrinking, and ownership is becoming more meaningless.

APA References

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