

Peer-to-Peer File Sharing as User's Rights Activism

Michael A. Gunn



Summary

- Open Access Movement
- Open Source Initiative
- P2P Activists
- Academic Library Relevance

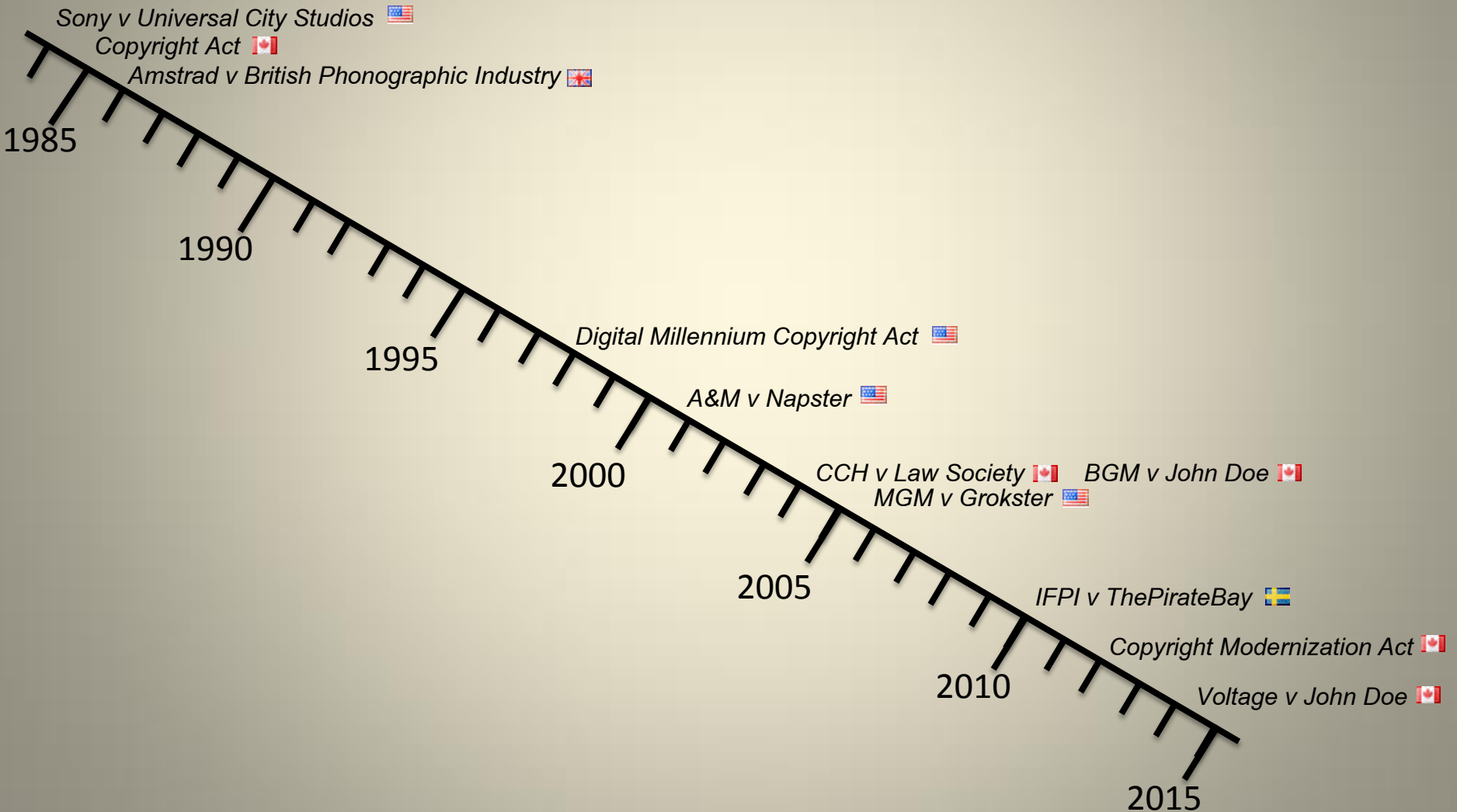


Purpose of Copyright

“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 Constitution, Section 8

Timeline of P2P-Relevant Law







“It is sickening to know that our art
is being traded like a commodity
rather than the art that it is,”

~Lars Ulrich (drummer of Metallica)

<http://www.forbes.com/2000/04/14/mu4.html>

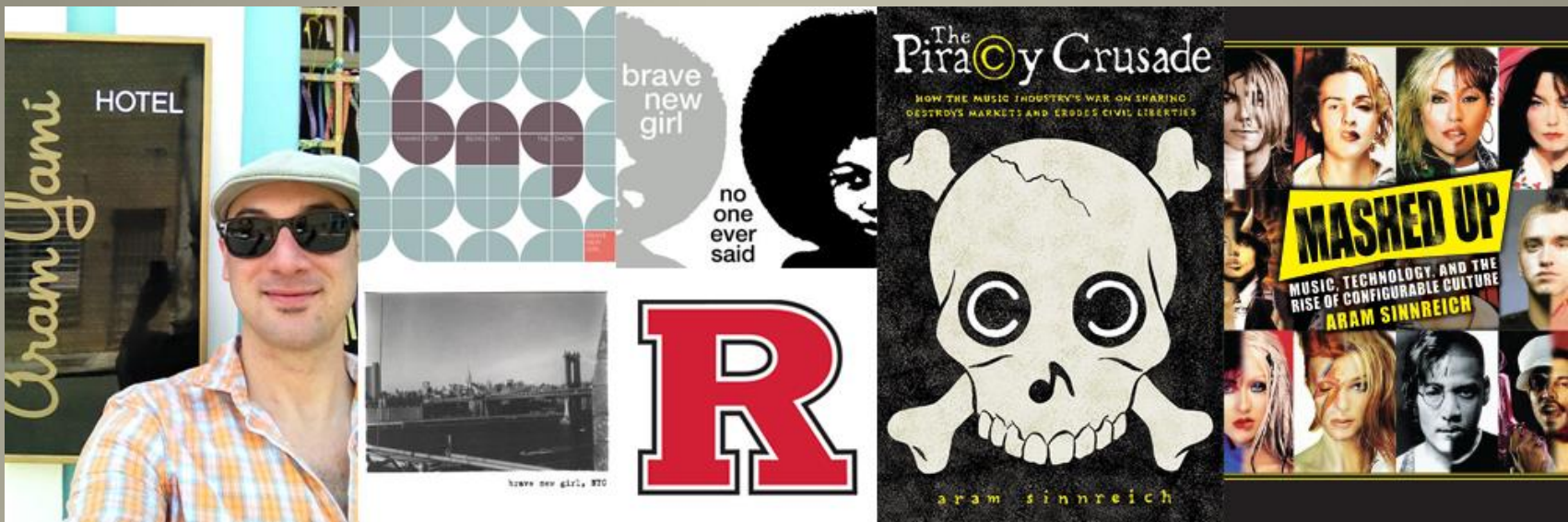
http://www.bignoisenow.com/images/artistphotos2008/metallica4_bnpic.jpg



A&M Records v Napster (2001)

“The district court’s ruling would ban a new technology in order to protect existing business models, and would invoke copyright to stifle innovation, not to promote it.”

~Amicus of Eighteen Professors of Law



“...among online adults who liked music, *Napster was actually helping music sales*. Although some were no doubt using the service as a replacement for traditional music retail, others were using it as a vehicle to discover and sample new music, increasing their enthusiasm about music products and driving them to purchase more.”

~Sinnreich, 2013, p. 78



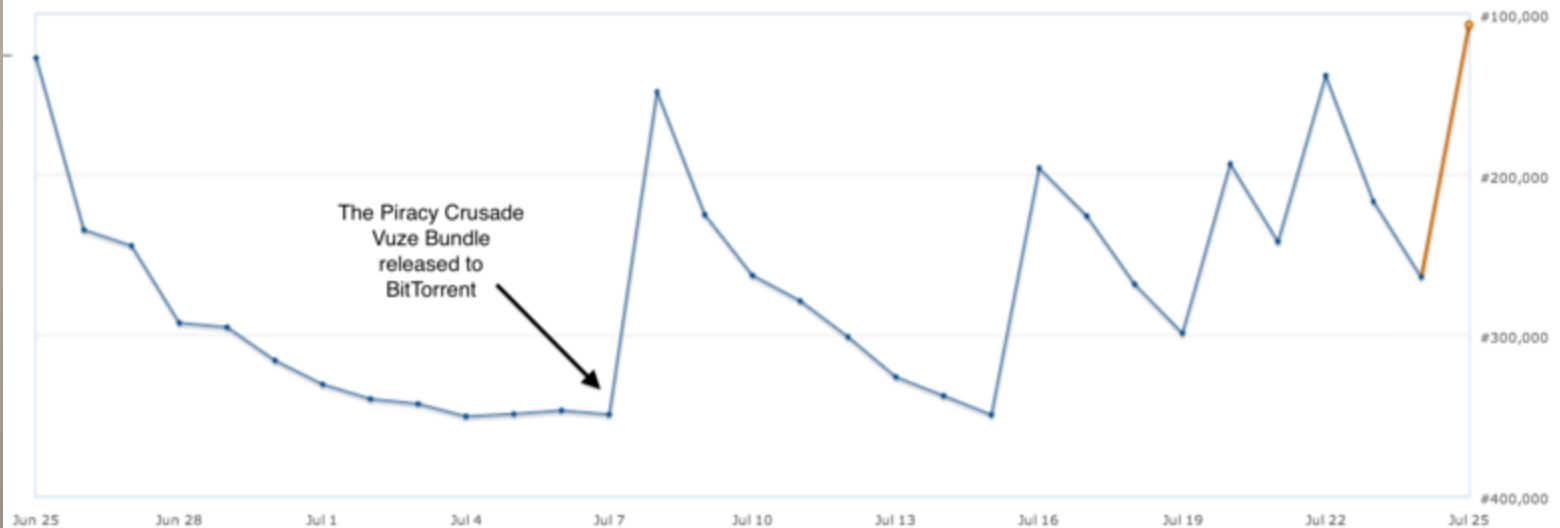
Author Rank beta ([What's This?](#))

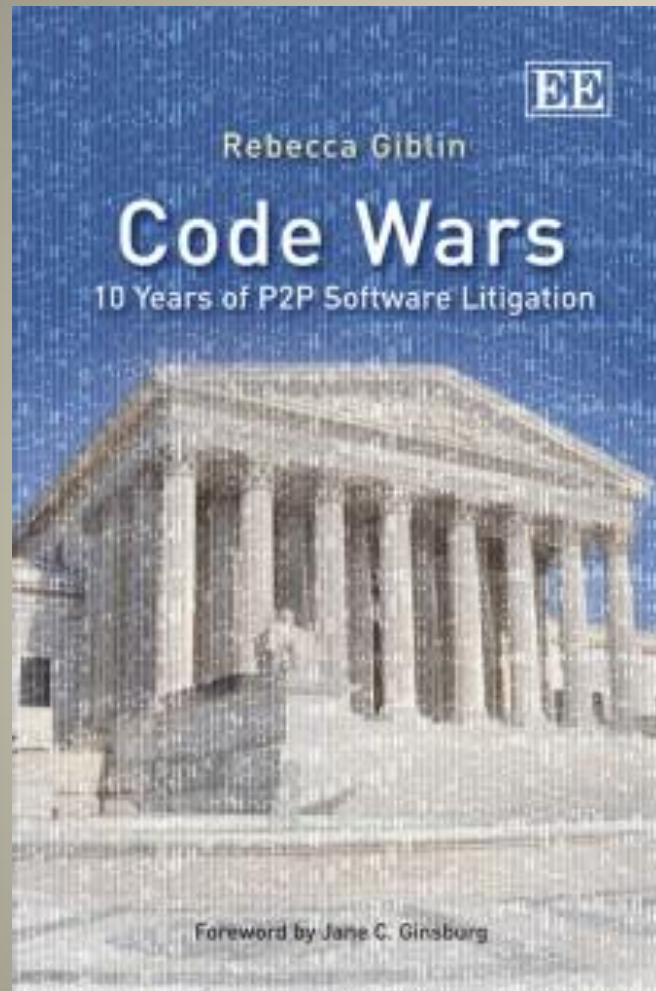
All Books

Period: [2 Weeks](#) | [1 Month](#) | [6 Months](#) | [1 Year](#) | [All Available](#)

June 25, 2014 - July 24, 2014

Current Rank: #106,597 (updated hourly)





“But now that the Internet has given us a world without distribution costs, it no longer makes any sense to restrict sharing in order to pay for centralized distribution.”

~Karl Fogel





<http://producingoss.com/en/index.html>





Piracy is not a victimless crime.

For more information on how digital theft
harms the economy, please visit

www.iprcenter.gov

“To use the Anti-Piracy Warning, please contact the Intellectual Property Rights (IPR) Coordination Center for permission and assistance.”

~National Intellectual Property Rights Coordination Center



Aaron Swartz & Laurence Lessig, 2002

https://en.wikipedia.org/wiki/Aaron_Swartz#/media/File:Aaron_Swartz_and_Lawrence_Lessig.jpg

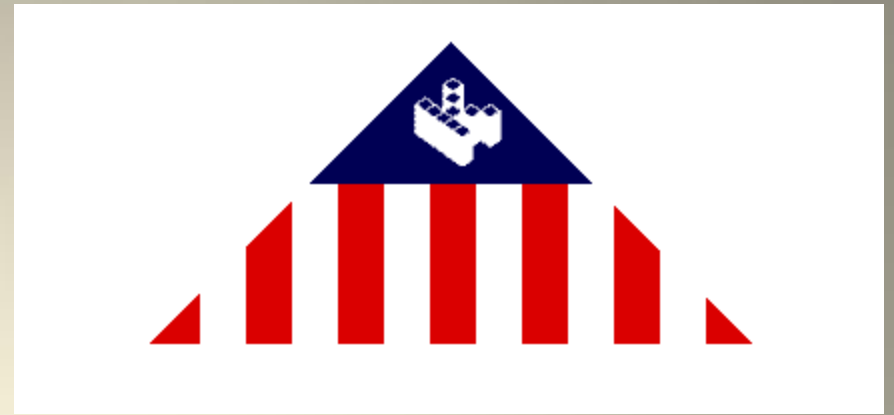
Free Anakata! Free Brokep!



Gottfrid Svartholm Warg
c/o Jens H. Jörgensen,
Politigården
1567 Copenhagen
DENMARK

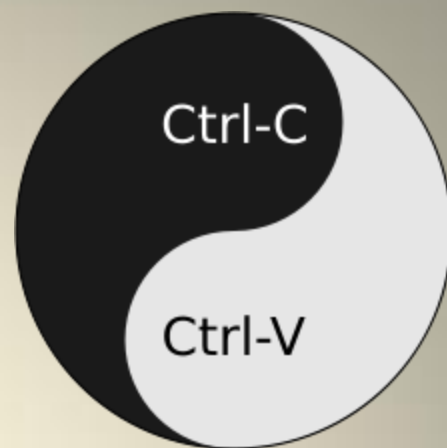
Two of the founders of The Pirate Bay
are now in prison. Show your support by
sending them some encouraging mail!
Gottfrid is only allowed to receive
letters, while Peter gladly receives
books, letters and vegan candy.

Peter Sunde
Box 248
593 23 Västervik
SWEDEN



“You are welcome to compile kopimi
and play with it as much as you like!”

~Piratbyrå



SAVE, CREATE AND RUN YOUR OWN PIRATE BAY

We, the team that brought you Isohunt.to and oldpiratebay.org, are bringing you the next step in the torrent evolution. Open Pirate Bay source code. History of torrent sites such as Isohunt and The Pirate Bay gives us a lesson that would be a crime not to learn. The era of individual torrent sites is over.

That is why we created Pirate Bay open source. It's free for everyone. Now you can create your own copy of The Pirate Bay! Update and change this code to make it better for everyone. We give you three simple options:



Pirate Bay Script

Run your own Pirate Bay. Download the script and follow instructions. Includes database updates by default.



GitHub Repository

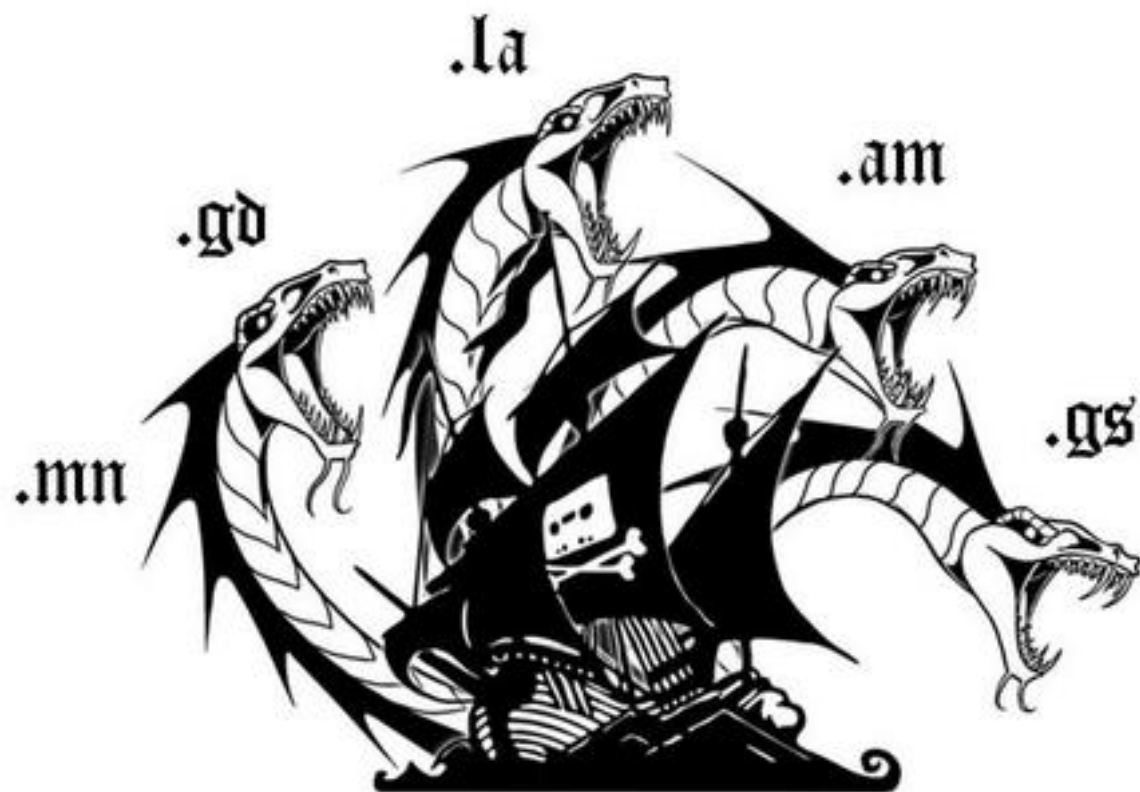
Enhance Pirate Bay source code on Github.com. Create new features and develop the code for everyone.



Full DataBase Dump

Download static database dump if you wish to update it by yourself. It consist of almost 8 mln torrents.

<https://torrentfreak.com/open-bay-now-everyone-can-run-pirate-bay-copy-141219/>



The Pirate Bay

Academic Libraries...

- ...promote Open Access and Open Source.
- ...work with publically funded researchers.
- ...facilitate research and education including **fair dealing**.
- ...represent *both* authors and users of information.
- ...pay for access to information?

What the law says...

CCH v Law Society (2004)

“The Law Society did not authorize copyright infringement by providing self-service photocopiers for use by its patrons in the Great Library. While authorization can be inferred from acts that are less than direct and positive, a person does not authorize infringement by authorizing the mere use of equipment that could be used to infringe copyright.”

~Supreme Court of Canada

BMG Canada v John Doe (2004)

“Under Act, subsection 80(1), the downloading of a song for a person's private use does not constitute infringement. There was here no evidence that the alleged infringers either distributed or authorized the reproduction of sound recordings. All they did was place personal copies into shared directories accessible by other computer users.”

~Federal Court of Canada

Voltage Pictures v John Doe (2014)

- 2000 TechSavvy subscribers shared *Hurt Locker*
- Voltage wants their identities
- CIPPIC calls this “copyright trolling”
- SCC requires TechSavvy to disclose names and addresses
- Voltage’s letters must be reviewed by a judge
- Maximum reward is \$5000 per subscriber

Fair Dealing

29. Fair dealing for the purpose of research, private study, education, parody or satire does not infringe copyright.

29.1 Fair dealing for the purpose of criticism or review does not infringe copyright if the following are mentioned:

(a) the source; and

(b) if given in the source, the name of the

(i) author, in the case of a work,

(ii) performer, in the case of a performer's performance,

(iii) maker, in the case of a sound recording, or

(iv) broadcaster, in the case of a communication signal.

~ *Copyright Act of Canada*

Libraries, Archives, & Museums

30.2 (1) It is not an infringement of copyright for a library, archive or museum or a person acting under its authority to do anything on behalf of any person that the person may do personally under section 29 or 29.1.

~*Copyright Act of Canada*

Recommended Browsing

- Open Access Licensing: <http://creativecommons.org/>
- Open Repositories: <http://sourceforge.net/> & <https://github.com/>
- Canadian Law: <http://www.canlii.org/en/>
- CIPPIC: <https://cippic.ca/en/file-sharing>
- Question Copyright: <http://questioncopyright.org/promise>
- Kopimism: <http://www.kopimi.com/>

