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Portfolio 3

This is Brian Ashnault reporting for Channel 1 news, the leading news provider in the Lehigh Valley area. The top story tonight is whether copyright laws are becoming more lenient toward the people or if they are becoming more favorable to the owners of copyrighted material. This is a question that affects you, our viewers at home, even if you don’t realize it. If copyright laws begin to favor the owners of copyright more, it could become increasingly difficult for citizens to utilize and sell works. The strictness of copyright laws rely on court cases, especially Supreme Court cases, which are responsible for shaping these laws. The courts aren’t exclusively taking the side of more fair use or stricter copyright laws; instead it’s a case-by-case process. After this short commercial break, critical cases will be evaluated and it will be explained why the Supreme Court is unbiased in it’s decisions regarding copyright. Don’t touch that remote!

Welcome back to Channel 1 news! Next, recent cases of copyright will be explored to see if the Supreme Court is trending towards being lenient with copyright laws or otherwise. First, in 2008 an important case was Kirstaeng v. Wiley. It was about Supap Kirtsaeng, a medical student who hailed from Thailand trying to make some money to pay for tuition. Kirtsaeng asked members of her family to purchase textbooks in Thailand and mail them to her in the United States. She would then sell them on eBay for a profit, which added up to an astounding $1.2 million. John Wiley, the publisher of many of the sold textbooks, then filed suit against Kirtsaeng for copyright infringement, trademark infringement and unfair competition. Kirtsaeng eventually won this case in the Supreme Court, led by an opinion by Justice Breyer who said that once something is sold, the owner could dispose of it as they please. This principle is called the First Sale Doctrine and was primarily what the debate was about. This case gave the people more freedom in terms of copyrighted material.

Another significant case took place in 2011 after the Uruguay Round Agreements Act, which restored the copyright status of United States’ works abroad as well as international works in the United States. This meant that consumers in the United States had to follow the copyright laws in regards to international works that where previously all classified as fair use. Golan, an orchestra teacher, challenged this because now all the international works he archived, because they were fair use, had copyright restrictions. Golan argued that it was a violation of his First Amendment right to freely express ideas through other works. In the Golan v. Holder case, Golan ended up losing in a 6-2 decision led by Justice Ginsburg who wrote the opinion. Among her reasons for upholding the law was that the Uruguay Rounds Agreements Act put foreign works on equal grounds with United States. The Golan v. Holder case gives more restrictions for citizens in terms of copyrighted material. When we come back after break what these cases mean towards copyright laws being stricter or more lenient for you and people you know will be revealed. Don’t go away!

We are back here at Channel 1 news to explain how the precedents in the Golan v. Holder and Kirtsaeng v. Wiley cases effects whether the copyright laws are becoming stricter or otherwise. The answer is the law is neither becoming more favorable towards the citizens or copyright holders, rather the Supreme Court cases favor neither. The change of copyright laws depends on the rulings of individual cases in the Supreme Court. Since no two cases are the same, a decision is made individually for each case, which makes it unlikely that copyright laws would be influenced in any singular way. In other words, rulings depend on the details in each specific case. The outcomes of the two cases explained earlier are prime examples of this because although they have similar subject matter, they produced different results. The main arguing points were two specific parts of the law and how they were to be interpreted. In the Kirtsaeng v. Wiley case the language of First Sale Doctrine when it says that after purchasing a copyrighted item that individual, and I quote, “receives the right to sell, display or otherwise dispose of that particular copy.” (1845 Copyright Infringement) To the majority of the Supreme Court that meant that a person could sell or do whatever else they desired to a copyright work that they purchased and Kirstaeng won. The Golan v. Holder case debated about a section of the First Amendment in a similar way. The point is that in each case there is an interpretation of the law, which is what’s being debated, and the results are based on the interpretation. This will lead to decisions favoring neither citizens or copyright holders because the interpretation of the law relies almost primarily on the language of the law, not whether the Supreme Court wants to create stricter copyright laws or not.

The system of the Supreme Court and how it operates, as well as its goals, will also prevent copyright laws from being influenced in any one way. The purpose of the Supreme Court, as mentioned earlier, is to interpret the law and the constitutionality of new laws, not to impose personal legal preferences. It is defined and I quote as the “final judge in all cases involving laws of Congress.” (Teachers) In other words, they are similar to referees in sporting events, they impose the rules but they don’t necessarily take a side for the sole reason of opinion as Congress does. Furthermore, the Supreme Court justices are chosen in a way that there will most likely be a split between political ideologies. This ensures that the interpretation of the law isn’t biased by any one political party, but instead remains relatively neutral. Simply put, the Supreme Court is formulated in such a way that laws won’t be biased in any one way, which includes copyright laws. We’ll be right back with the conclusion of this story after these messages from our sponsors.

And we’re back here at channel 1 news to conclude this story about whether copyright laws are being biased towards the consumers of copyright owners. The two cases we spoke about today, along with the structure of the Supreme Court makes dramatic influences to either side of the law unlikely. This is shown best by the results of the Kirtsaeng v. Wiley and Golan v. Holder cases. Although they were both about similar subject matters, one decision went in favor of the consumers and the other went in favor of copyright. The copyright laws will not shift towards one side or the other significantly. What does that mean for our viewers at home? While you may not receive more freedoms from copyrighted works you certainly won’t be restricted more either. That’s it for us at Channel 1 News have a great night Lehigh Valley!

Works Cited

"1845 Copyright Infringement-First Sale Doctrine." *Justice.gov*. United States Government, n.d. Web.

Gagnier, Christina. "SCOTUS Adds More Fuel to the Copyright Debate With Golan V. Holder." *The Huffington Post*. TheHuffingtonPost.com, 18 Jan. 2012. Web. 25 Apr. 2013.

"Golan v. Holder." *Center for Internet and Society*. N.p., n.d. Web. 25 Apr. 2013.

Shapiro, Gary. "Supreme Court Gives American Consumers Victory Over Copyright Owners in Kirtsaeng vs. John Wiley & Sons." *Forbes*. Forbes Magazine, 20 Mar. 2013. Web. 25 Apr. 2013.

"TEACHERS." *Scholastic Teachers*. N.p., n.d. Web. 25 Apr. 2013.