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Portfolio 1

Absence of Copyright

Currently, copyright law is a means of protecting intellectual property, giving the owner the rights to create and profit from their stated idea. However, it is possible for copyright to have evolved differently. Judging by the slight differences in law in differing countries, copyright has already shown to evolve differently.

In England, copyright began in 1662 with the Licensing Act. The Licensing act delegated rights of ownership for a book to the author, giving them the responsibility to register their book to be published. For the most part, this was able to prevent pirating of books, as well as allowed authors to make money from their work.

However, this making copyright into a legal function was not to stop piracy, but to control what was being written. King Charles II, as the new king after a recent civil war, wanted to be able to suppress any writings that would go against him. In order to do that, the Licensing Act had books registered, as to keep track of what was being written and by whom. This led up to the eventual creation of the Copyright Act.

Today, copyright encompasses the protection of practically all media. Books, movies, music, and even technology are created for entertainment and use, all while backed by copyright. Although the internet now provides a great amount of information, essentially for free, there are still many restrictions which are acted upon. This protection ensures the profit of the creator as well as the incentive to create.

Had king Charles II decide to not regulate writing, at least for England, the idea of licensing and copyright would not exist, or otherwise be delayed. Pirating would have continued and authors left without profit. However, it would not have been seen as we recognize “pirating” today. Adrian Johns states, in his *Piracy: The Intellectual Property Wars from Gutenberg to Gates*, that the concept of piracy was an invention of the seventeenth century (Johns, 19). While pirating, or rather, the stealing of intellectual property, was recognized even before copyright, it was only deemed noteworthy after copyright. Therefore, if copyright never existed, pirating would continue unhindered. Without the security to produce a quality work and not have it stolen, not getting recognition and prestige for what their write, along with a lack of profit, the incentive to produce works would drop. Literature would most likely be reduced and restricted to common news.

While that is a possibility, it is most likely not probable. It would be more probable that copyright would eventually develop into something like the copyright of today. When the Licensing act ended, many people protested in its reestablishment, which lead to the creation of the Copyright act. That evidence shows that once the idea of copyright existed, people would want to keep it in place.

However, if copyright never developed, the world would be vastly different. Many, if not all of the books and various other forms of entertainment, would not exist. An author would not write, due to the insecurity of the profession. It would be more likely for a work to be stolen and an author left penniless than for an author to make a large profit from their work. Therefore, writers would stop writing. If writers and creators continued to produce their works, the internet would be able to provide most, if not all entertainment, due to the lack of backed preventive measures. Despite any intents, a profit is required to continue to create works, and without it, not only would creators refuse to produce, they would be rendered unable to.

Overall, if copyright were to not exist, inventors would be unable to continue to invent, halting technological advancement. The resultant world would be akin to a world frozen in a single era. However, this speculation would be significantly less likely than the eventual realization of copyright.

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