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The Film Industry Sans Copyright

It is hard to imagine a world without any sort of copyright laws, especially when in our contemporary world and modern day society, copyright functions as a control in different markets. Copyright acts as a way for artists and creators to decide under what conditions, if any, others may use their work. Without the protection of copyright, more people could essentially take control of these different markets, adapting the creations within each to their own personal perceptions, or in other words, monopolies would be knocked down and more people would be able to contribute freely to different markets (Smiers and van Schijndel). One market where copyright laws are deemed extremely important and extreme precaution is taken in every step is that of film. From accepting scripts to issues of piracy, the film industry is overflowing with creativity, necessitating property laws. But what if such laws didn’t exist? What if there was no such thing as copyright?

Although the number of movies being produced and released each year is rapidly growing, these movies only account for a handful of the scripts written and/ or submitted to production companies. In such a technological age, where texting and emailing are the norms, one would think they could simply email their script to a studio for consideration. However, as outlined on most production companies websites, that is not allowed and doing so will only result in the discarding of a script without it being read. Rather, production companies will only accept scripts formally submitted to them. Take for example, Warner Bros., for on their website they not only state that they will neither accept nor consider any unsolicited scripts or suggestion sent to them, but they also state, “We at Warner require that you do not post e-mails or submit to or publish through Forums or otherwise make available on this Site any content, or act in a way, which in our opinion…infringes any intellectual property or other right of any entity or person, including violating anyone's copyrights or trademarks or their rights of publicity…” (Warner Bros.).

Without copyright laws, production companies like Warner Bros. could accept scripts from anyone and theoretically, use material from them without necessarily giving credit to those who originally submitted the script. In a conversation in the film industry, “agent” is a word one can expect to here countless times. However, one may not consider copyright agents. In taking precautions, production companies hire copyright agents who deal with copyright laws and claims of infringement. Without such laws, in theory, such agents wouldn’t be necessary. However, “Reading ‘origin’…to require attribution of uncopyrighted materials would pose serious practical problems” therefore perhaps necessitating such agents to help define the “origins” of works and to help deal out credit where it is due (Dastar Corp. V. Twentieth Century Fox Film). With more freedom to contribute, create, and interpret, in the film industry, it could become difficult to pin point a small number of specific people for whom to provide credit. Some sort of copyright agent could prove to be helpful in distinguishing and maintaining origins of works.

This is the age of the Internet, meaning when one has a question, the Internet often has the answer, or when one needs something, the Internet probably has it. With websites like YouTube becoming common household domains, people are turning away from their TVs and to the Internet for their daily programming or the most recent movie they have wanted to see. However, because of property laws, many of these websites are illegal because they allow for the downloading and viewing of movies and shows they do not own and as a result, “Digitalization is gnawing away at the very foundations of the copyright system” (Smiers and van Schijndel). Without property laws, such websites wouldn’t be illegal, and perhaps there would be even more of them. Movies would be considered public property, so anyone could essentially share them. However, those who put in all the effort in creating these movies wouldn’t be receiving the recognition or money they deserve for their work.

The absence of copyright and property laws “…creates an unpleasant situation for cultural monopolists, as it deprives them of the incentive to pursue their outrageous investments in movies, books, T-shirts and any other merchandise associated with a single cultural product” (Smiers and van Schijndel). As a result, this would provide the world with equal competition. An image for a movie poster wouldn’t be able to be copyrighted, so more possibilities of accessories could be made by a wider variety of people. Sans copyright, the world could nurture more artistic possibilities, such as more movies. People would also be able to more freely share this wider range of entertainment. However, in terms of giving credit where credit is due, sans copyright, that could be difficult to do.

Before there was film, there was print. After all, the words that would be eventually spoken in movies and written in scripts needed to form somehow. Copyright was created to ensure that those creating texts received the recognition and money they deserved, and to ensure that people’s works couldn’t be stolen. As time progressed and newer technologies were produced, film was introduced. Now a popular medium, studios take every possible precaution to avoid lawsuits and ensure property laws. However, if these copyright and property laws never existed, ideas could have been shared more freely, more works could have been produced, and many copyright lawsuits could have been avoided. On the downside, if copyright never existed, it would be difficult to identify the origins of works and the repercussions for stealing works would be much less severe. A film industry without copyright would ultimately allow for more works and ideas but at the price of less acknowledgement and money for those responsible for such works and ideas.

Works Cited

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