

Reading Passage (255 words): Copyright Law—Three Purposes of Copyright Law

Under the Copyright Act of 1790, the first federal copyright act, it stated that the purpose of the act was the “encouragement of learning” and that it achieved this by securing authors the “sole right and liberty of printing, reprinting, publishing and vending” their works for a term of 14 years, with the right to renew for one additional 14 year term should the copyright holder still be alive. This is likely what our Founding Fathers meant when they wrote in the Constitution for a “limited time.” Gradually this period began to expand, but today’s copyright law bears almost no resemblance to the constitutional provision that enabled it and the conception of this right by our Founding Fathers. Three important considerations must be taken into account when considering copyright laws in the United States.

First of all, the purpose of copyright is to compensate the creator of the content; thus, the Constitution enables our current regime of copyright protection. Toward this aim, citizens have the confidence to know that any new content they produce is protected under current law.

Second of all, the fact that we have copyright protection demonstrates the free market capitalism at work. Free market in its purest sense encourages productivity and creativity and allows these innovators to have their published works protected.

Finally, the current copyright legal laws in place lead to the greatest innovation and productivity. In fact, without copy right laws, since people's content would no longer be protected, they would no longer invent, innovate, or produce new content.

Writing Prompt: Summarize the main points in the lecture explaining how they contradict the main points in the reading passage.

Lecture (314 words): Three Misconceptions about Copyright Law

The laws surrounding copyright are every bit as complicated as there are interpretations of what our founding fathers meant when they set forth the very laws regarding copyright in our constitution. I think the reading passage's ideas regarding copyright law have three important inaccuracies of which you should be aware.

First, it's a common misperception that the Constitution enables our current legal regime of copyright protection --in fact, it does not. The Constitution's clause on Copyright and patents states:

"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;"
(Article I, Section 8, Clause 8)

Thus, according to the Constitution, the overriding purpose of the copyright system is to "promote the progress of science and useful arts." In today's terminology we may say that the purpose is to lead to maximum productivity and innovation. As we can see from the constitution, there is no mention about compensating creators for their innovative content.

Second, copyright violates nearly every tenet of laissez faire capitalism. Under the current system of copyright, producers of content are entitled to a guaranteed, government instituted, government subsidized content-monopoly. That the government has created a huge system of laws and institutions designed to protect copyright is counter-intuitive in terms of free market capitalism.

Third, I am not so sure that copyright laws lead to the greatest innovation and productivity. In fact, too much copyright protection, as in copyright protection that carried on longer than necessary for the incentive, will greatly stifle innovation. In addition, excessive copyright protection leads to what economists call "rent-seeking" which is effectively non-productive behavior that sucks economic productivity and potential from the overall economy. As such, too much copyright protection, as in copyright protection that carried on longer than necessary for the incentive, will greatly stifle innovation.