

Copyrights (and wrongs)

March 19 2008

Some of the most important copyright documents ever written are being made available online for the first time, reflecting growing public interest in authorial rights in the wake of the internet revolution.

Original papers charting the contributions of thinkers such as Machiavelli, Martin Luther, John Locke, Daniel Defoe, Immanuel Kant, Wordsworth, Balzac and Victor Hugo to the development of copyright law will be available through the Primary Sources on Copyright History Project, which is being launched in London this week.

The website, www.copyrighthistory.org , will offer users anywhere in the world the chance to examine more than 10,000 pages of rare legal papers, some of which date back to the invention of the printing press itself. It has been compiled by an international team of lawyers and historians, led by experts from the University of Cambridge and Bournemouth University.

Many of the documents, which include writings by some of the greatest scholars of the past 500 years, have until now been stashed away in obscure libraries all over the world. The new digital resource will mean that for the first time anyone who wants to read them can do so at the click of a button.

The website's creators say the resource reflects growing public concern about copyright issues raised, in particular, by the advent of the internet revolution.

“Copyright law used to be a topic that only affected authors and the industries that exploited their works,” Professor Lionel Bently, from the University Cambridge and one of the project’s general editors, said.

“Today, everyone who uses a computer, operates a web page, accesses online materials, or downloads music from the internet needs to be wary of copyright rules. While in the past copies were made by the exploiters – publishers, broadcasters or the film and record industries – now they are being made by individuals on computers, in their offices or at home.”

The documents in the collection will be available both as facsimile images and in transcribed and translated formats. The earliest is Johannes of Speyer’s monopoly, awarded to the German craftsman by the Venetian Signoria in 1469, and the first known record of a printing privilege granted by a European government. From there, the history of copyright law in Britain, France, Italy, Germany and the United States is traced up to the 1886 Berne Convention – which broke through the national boundaries restricting copyright law.

Notable among the British papers is the original parchment copy of the Statute of Anne of 1710, the world’s first general copyright law, and a model for much subsequent legislation. The Statute granted authors and their publishers an exclusive term of 14 years (today the duration of copyright lasts for the life of the author plus 70 years). In order to receive copyright protection, all books had to be registered at Stationers’ Hall, London, the livery hall of the ancient guild of printers where the digital archive will be formally opened on Wednesday (19 March).

Users can also examine Martin Luther’s indignant Admonition To The Printers, written in 1525 after one of his manuscripts was stolen by a typesetter, who then reaped the profit of having it printed overseas. The father of Protestantism compares his actions to those of “highwaymen

and thieves”, adding: “God will see to it that the profit you make on this will just suffice for you to smear your shoes with it!”

The archive also features prints and privileges by the German Renaissance artist Albrecht Dürer, William Hogarth’s intervention that led to the 1735 Engraver’s Copyright Act, the philosopher Denis Diderot’s letter on behalf of the Paris book trade (1763), and the constitutional clause of the United States (1789) that gave Congress the power to legislate in the fields of patents and copyright in order “to promote the progress of science and the useful arts”.

The editors hope the digital archive will not just prove useful to scholars and legal historians, but inform legislative debates, such as the Government’s current review of exceptions to copyright law, and the push by record company executives to extend the European copyright term in sound recordings from 50 to 95 years.

History suggests that legislators should be wary when industrial interests become concerned with the “natural right of authors over the products of their mental labour”, as the publishers expressed their argument for the 1710 Statute, and in the subsequent “Battle of the Booksellers”. More often than not, this argument has been shown to be a smokescreen for market control.

“History provides useful insights into why copyright was thought to be desirable and how it has expanded,” said general editor Professor Martin Kretschmer of Bournemouth University. “The primary sources in this collection show that there are many more ways to reconfigure copyright norms than surface in current debate. The regulation of an information society quite urgently needs a wider perspective.”

The archive can be pre-viewed at copyright-project.law.cam.ac.uk . Its permanent web address is: www.copyrighthistory.org .

Source: University of Cambridge

Citation: Copyrights (and wrongs) (2008, March 19) retrieved 25 April 2024 from <https://phys.org/news/2008-03-copyrights-wrongs.html>

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