

Innovation trumped by copyright law

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(Phys.org)—From Napster to iTunes to Pandora, the methods by which the public can obtain and share music have rapidly progressed.

Future groundbreaking innovations may need to wait, though, as the next generation of technology is being stymied by the very copyright laws that seek to protect the industry, says Michael Carrier, a professor of law at Rutgers–Camden.

"There is not enough attention being given to the effect copyright law has on innovation," Carrier says about the fight against copyright infringement and the attempt to extinguish every instance of piracy.

For his new article, "Copyright and Innovation: The Untold Story," to be published in the *University of Wisconsin Law Review* this fall, Carrier interviewed more than 30 CEOs and other top-level executives from the recording industry, technology companies, and [venture capital firms](#) to determine the relationship between copyright law and innovation.

"Many innovators working on revolutionary technologies and many [venture capitalists](#) told me that copyright law has harmed innovation in the music industry," Carrier says.

Carrier says it's impossible to say exactly which innovations have experienced roadblocks because they never publicly surfaced, "But industry leaders made clear to me that there are numerous innovations that failed to reach the market because of copyright laws," he says.

In his research, funded by a [Google](#) Research Award received last year, Carrier points to [Napster](#) as the first instance of a peer-to-peer service being liable for violating the copyright laws. Users of the service were able to [share music](#) digitally, but questions of [copyright infringement](#) surrounded the company and [court rulings](#) forced it to cease operations. It is now owned by Rhapsody.

After the Napster decision, Carrier says, "a lot of innovators were scared away from trying to work with the record labels."

Carrier also says the decision was a setback for digital music technology and services like Spotify and Pandora, which could have been developed years ago.

Attention to copyright and innovation issues increased in early 2012, when thousands of internet sites participated in a "blackout" protest against two controversial anti-piracy laws that would have punished websites that host pirated content.

Due to widespread public protests, the Stop Online Piracy Act (SOPA) and the Protect IP Act (PIPA) were ultimately pulled off the table.

"The laws presented examples of copyright holders trying to expand the law to protect themselves at the expense of everybody else," Carrier says. "We saw that the technology and internet communities have muscles to flex. Innovation needs to be part of the equation. I wrote this article to help put [innovation](#) at the forefront of the debate."

Carrier posted the article to the Social Science Research Network in July, where it became the no. 1 downloaded article and was downloaded 3,000 times in one week.

Provided by Rutgers University

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