

Information Policy Salon Notes: Copyright with Geof Glass

By Sabina Iseli-Otto.

Every iteration of copyright policy seems to pose yet another threat to the free exchange of information. And when we've heard just about enough about peer-to-peer file-sharing and music downloading, we learn that copyright is increasingly becoming a free speech issue with enormous artistic, cultural, and democratic implications. On January 23rd, 2009, Geof Glass—founding member of Vancouver Fair Copyright, software developer, and recent graduate of the Masters of Communication program at SFU—joined several BCLA members at a salon to talk about the fuss around copyright, particularly as it pertains to culture, community, and inevitably, democracy.

Copyright in Context

Culture, community, and democracy are closely intertwined though these connections are unfortunately most obvious when they are under threat. The ideas and concepts that creators use to produce cultural works are developed and maintained by communities, Glass posits, and in order for creativity to flourish, those ideas have to be shared freely. Accordingly, the value of a cultural product is not the product itself, but largely found in the activity of its creation. The act of making culture requires that people engage with themselves and with each other, providing necessary sustenance for "community, democracy and self-development." For culture to be shared freely, copyright needs to be responsive to the needs of cultural communities, not vice versa.

Over the course of the 20th century, television and mass media became the centre of much of our culture; most people have become culture's spectators instead of its creators. At the same time, recent changes to copyright law (especially over the past decade and driven by those same people who own and distribute the aforementioned mass media) have led to a virtual legal lockdown on creative works. As people experience difficulty sharing their cultural works, they are finding the avenues to participate in creative communities becoming increasingly chilly and narrow.

Meanwhile, young people are finding ways of using new technologies to create content and participate in the development of their own culture.

A recent Pew study claims that most young people have contributed some sort of content to the Internet. Their contributions are sometimes criticized for a perceived lack of quality, but the fact remains that people are still participating in creative processes by actively building their own communities. (No one who's spent any time on fan fiction forums, for example, can doubt that the participants are creating community by creating culture, and vice versa.) They build these communities despite unprecedented restrictions on the kinds of content that are allowed to be shared, adapted, and copied. It is likely that further increasing the control of intellectual property rights over culture will have the effect of quashing the ideas and relationships that sustain both young and traditional communities.

Bill C-61: Closing Down Communities Near You?

Many Canadians have now heard of Bill C-61. It was introduced to parliament in June 2008 but due to loud public outcry and a federal election, the bill wasn't passed. No doubt the contents of the bill will come around again with a new face and name, which is why it's still worth discussing now.

Bill C-61 was seen as a jacked-up version of the American Digital Millennium Copyright Act (DMCA). It would have turned people like librarians into gatekeepers for digital content, cut back on copying currently allowed for educational purposes, and perhaps most importantly, enforced stronger locks on electronic devices to prevent people sharing or controlling the digital content they use (For example, read "Jim Prentice's 12 Steps to Format Shifting": http://www.michaelgeist.ca/component/option,com_docman/task,doc_download/gid,16/).

Just as a reminder, the American DMCA is responsible for a woman being sued for including a low-quality excerpt from a Prince song in a YouTube video she made of her child. It is also the legislation responsible for a John McCain campaign ad being taken off

YouTube because it contained corporate news footage that McCain's campaign team hadn't paid for. Though these seem like minor examples, they illustrate how inconsequential an infraction has to be for a rights holder to take issue with the cultural expression in question. Does Prince really care if his song plays along with a video of a little girl? Unlikely, and he might even be flattered. However, in the rush to defend their "property", DMCA rights holders undermine the ability of both artists and community to use the culture they help to create in the first place.

Last year, Bill C-61 threatened to do the same thing in Canada by taking control of art away from artists and giving it to distributors. These days, copyright holders are more often the distributors of artistic works than the artists themselves, and Bill C-61 would have reinforced that dynamic. Glass proposes that many artists don't realize how much control over their own work has been handed over to the distributors, even though the situation is typical for mass media. Consider, for example, how rarely we see foreign films screened in Canadian cinemas unless they are backed by a major distributor.

Perhaps if artists were more free to share their works, we would see more of their films and other art. And rather than giving such strong control to distributors, perhaps copyright reforms ought to be putting the benefits of culture and community straight into the hands of the artists and communities those artists sustain. And lest we forget about the importance of art, Glass writes, "The value of [cultural] works is not only in the ideas themselves, but the expressions and relationships that take place through them. Community and creative activity reinforce each other. Take away the ideas and you diminish the community; take away the community and the ideas are empty husks."

What to do?

1. Please keep your eyes and ears open for the new Bill C-61 and make sure you stay informed about its contents (Fair Copyright Canada is one organization that will be keeping tabs on what emerges: <http://faircopyrightcanada.ca/>). Also watch for information and direction from the BCLA's Copyright Committee.
2. Support free and open-source software (FOSS). FOSS benefits from constant improvements made by a community of developers who fix bugs and add features to the benefit of the end user—an excellent example of a community producing fine

cultural artifacts through openness and sharing. Meanwhile, corporations like Microsoft that are founded on proprietary software use their wealth and influence to restrict sharing and undermine FOSS, to the detriment of the software development community. Glass explains that the positive effects of developing FOSS are personal as well as public: "When I have developed open source, however, I know that the software reflects on me, but I am also pleased when others find it useful. I feel a continuing connection to it and a responsibility for it." People who contribute to open-source software development are contributors to, and beneficiaries of, a community rather than being cogs in someone else's proprietary machine.

3. Encourage first-time activists. In December 2007, when Canadians first had word that Canada might have DMCA-like copyright legislation, Michael Geist launched a Fair Copyright for Canada Facebook group. That group currently has over 90,000 members, many of whom sent letters to their MPs—so many letters that MPs were aware of copyright as one of the hottest issues in the session preceding the last federal election. Many people have become concerned about intellectual property and cultural issues because of their involvement with Bill C-61, and for many of them, it was the first time they had participated in politics beyond the ballot box. Supporting and promoting this trend is a good thing, not just because it's helpful in the fight against bad copyright policy, but because it gets people involved in deciding how their community should work (and that's democracy).
4. In the fight to win the battle for culture and democracy, it's important to try to win the constituent battles. Glass pointed out the importance of winning on issues like copyright, net neutrality, and ACTA. Victories in these areas will help people to rethink the question of who "owns" culture, and so create a climate that encourages the growth of community-based intellectual and cultural materials.
5. Talk about copyright at your library. Libraries can host a screening of *riP: A Remix Manifesto*, a National Film Board documentary about mash-up culture (there's an interview with the director on CBC's Q on March 3, 2009). Libraries can also host a library mash-up session and talk about the implications of being able to remix existing art.
6. Look beyond law and policy. Legal avenues, while important, are not enough, says Glass: "The

construction of community is not simply an instrumental means to economic production: it is an end in itself. It goes hand-in-hand with the self-development of individuals, which is also desirable in and of itself." Expand the public domain by experiencing, creating, distributing, and enjoying culture, in whatever forms you like, in your communities and in your libraries. You can contribute to online projects such as LibriVox and Project Gutenberg, host free artistic events at the library, show Canadian films that don't get screened in the big Hollywood-dominated theatres, encourage young people to learn about the public domain, and learn to use more open-source software. Participate in culture rapidly, often, and with great gusto.

Recommended Reading from Geof Glass

Bowling Alone by Robert Putnam lays out convincing evidence about a collapse of community and social capital in North America over the past 40 years. One of the major causes he identifies is the advent of television.

The Death and Life of Great American Cities by Jane Jacobs. I guess everyone has read this by now, but the thinking there about the importance of public spaces—or rather of spaces that are partly public and partly private, their multiple uses and the fuzzy boundary between them—is important for understanding how too much ownership and too much exclusion can exclude social activity and its essential benefits.

Commoners: Common Right, Enclosure and Social Change in England, 1700-1820 by Neeson describes the original commons of land. This drove home to me that the commons is a community, and showed that the enclosure metaphor is not too far-fetched. Scholarly but also scattered with bits of beauty.

"Enclosure Within and Without the 'Information Commons'" by Anthony McCann. A dense article by a radical scholar. Most importantly, though (as I recall), it focuses in on the phenomenon of culture being reified into commodities. To understand what's happening online, where most content is created in passing (forum posts, blog entries, disposable profiles on MySpace and Facebook) we need to recognize culture as something that we *do* rather than something we produce. My perspective on this is further inspired by pragmatist philosophers like John Dewey, but I haven't a particular work to recommend there.

Geof's thesis, *A Community-Based Model for the Production of Ideas*:

<http://www.geof.net/research/2008/thesis>

Other things he has to say on the topic:

<http://www.geof.net/blog/category/commons>

His collection of links (try also other tags, like copyright and commons):

<http://delicious.com/geof/copyright>

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