The Concept Of Copyright And Argues About It

Almost everyone supports the concept and idea of creativity, and as a matter of fact, modern copyright law is based on the belief that increasing the protection of creative artists leads to a significant increase in the range of creative works that will be produced and available to the society. Copyright is otherwise considered as a form of intellectual property and best belief designed to give creators and artists their appropriate right to preserve and safeguard their work from being taken advantage of. In terms of protection, copyright is ought to be found in artistic, literary, musical and fashion or literally in any form of work, right from the moment they are being created or recorded, either in the form of writing or other material forms. These creations can include composition or sound recordings, published edition of works and broadcasts. Therefore, creativity becomes a significant requirement for copyright protection.

It is often argued that overprotective laws and regulations of copyright hinder the opportunities and instead promote the practice of unlawful activities which is a major concern for creative artists. Majority of the scholars of copyright does not necessarily agree on the decision of the current copyright system, whether it manages to strike a balance on behalf of creative artists and the public. Statue of Anne is marked as the origin of copyright law that was enacted in England in 1710. The major part of it raised the concept that the author of work is the primary owner of its copyrighted work and it also outlaid fixed terms of protection. This act necessitated the deposit of the protected works to a specific copyright library as well as registered in the Stationer' Hall as there was no automatic protection for unpublished works by creators. However, to provide protection and preservation of creators work, significantly literary and artistic works, the Berne Convention was established in 1886. This Convention is considered as the international agreement governing the issues related to copyright and indeed was the very first to be accepted by Berne, Switzerland. Following the adoption of the treaty by the United States in 1998 almost all major countries are covered by this agreement and till this day, this convention still continues to provide the grounds for copyright laws internationally. Apart from the benefits provided by this convention for the authors and creators of their original works, the complete process or system of safeguarding the unpublished works remain collapsed internationally. Some states within their own jurisdiction offer optional registration services meanwhile some states do not provide any kind of registration at all. The outcome turns out to be quite problematic because in the absence of the procedure of registration it can be difficult to make decisions and judge who is the rightful owner of the originally created work. Copyright protection is provided and complies the moment any original work is created under the UK law, hence the procedure of registration can be eliminated.

In 1790, copyright originally allowed the authors with the exclusive right to vend books and maps for 14 years and another 14 years of protection available to them through renewal. Copyright has come a long way since it was first introduced and currently, copyright can protect and safeguard all tangible medium of expression and original contents and expressions that includes video games, books, movies and range of other mediums. The original authors are granted the exclusive right and the power to control almost all every use of their expressions and ideas, even if is the creation of a new look based on the original work. At present, this protection provided by copyright continues for the lifetime of the author and also an additional seventy years of protection. The ideology behind copyright is pretty simple the more protection

the authors are provided the greater the reward; the more the reward the greater the incentive for creators to create new work. Art Rogers photograph in 1980 puppies and Jeff Koons sculpture in 1998 string of puppies is one of the most popular illustrations of copyright infringement. Roger's copyrighted photograph was imitated by Jeff Koon without his permission and earned him several thousand dollars by using it as one of his own sculpture works. This case was taken into consideration in the court to analyse the entire case related to the rightful owner and infringement charges and according to Jeff, he claims that the creation of the sculptures is considered fair use as well as a new invention because Roger would not come up with the idea of making sculptures. Considering the market potential of the photograph, the court disagreed with the claim placed by Jeff Koons. Original works are meant to be an inspiration to the new creators and Koon was supposed to take inspiration from Roger's artwork and not focus on the details and legally Jeff should have asked for Roger's permission before using his copyrighted work. The decision taken by the court regarding this copyright case is considered different, especially due to the development of the digital era. The Digital Millennium Copyright Act has made it illegal to avoid technological devices and justified it as a means to prohibit unauthorized copying.

The most crucial point of the rights of the users is that of fair use. The basic ideology behind 'Fair Use' under the Copyright Act is that the specific kind of uses of the original works by its audience and that they are not an infringement case of copyright despite the fact that the use of this work might involve copying from other original work, performing or even displaying the copyrighted work. The creator of the work will not have any right to claim payment of a fee from anyone for using the work or involving in the engagement of using the work if it is used fairly. This Act lists a range of non-exclusive factors that are required to be considered by courts to determine the use of fair work, i.e. whether or not it is a fair use of a work and not an infringement of copyright. The first one is regarding the motive of using the original work, i.e. to ascertain whether it is used for commercial purpose or for a non-profit educational purpose. The second one is regarding copyright by its nature, the third one is regarding estimating the use of original work used in the creation of new work. The last one is the most crucial point, i.e. the effect of the new creation of the copyrighted work within the potential market. For instance Parodies. For instance making of parodies. Mr Webster defines 'Parody' as a literary or a musical work in which the style of an author or work is closely imitated for comic effect or in ridicule or a feeble or ridiculous imitation. The nature of parody is such that, it is important for it to resemble the original work so that the people can recognise the song by its imitation, but this is not necessarily counted as copyright infringement. Weird Al has created around more than 150 parodies and original songs of his own. He gets permission from each artist that he chooses to make parodies. Even though he takes a sufficient part from the original work to produce a parody, the Supreme court of the U.S has deemed that parodies, as long as they don't take a major part of the work and it is sufficiently transformative and leads to the production to a whole new work, then the correct analysis would determine that it isn't copyright infringement and it is completely acceptable under the doctrine of Fair Use. Australia doesn't have this constitutional mandate, but Australian courts have expressed that US copyright law is consistent with the nature and purpose of copyright law in Australia.

Another topic of debate related to copyright infringements is fan fiction. Fanfictions are technically not produced for commercial gain, it is considered as a work created by fans to express their enthusiasm and appreciation towards the original work. Copyright and control have been weakened as the digital age has profoundly changed the context in which creative works are made or sold and disseminated by the use of technology and the Internet. One of the

purposes of copyright is to ensure that creative producers can be guaranteed some income from their output and sales or distribution of their hard work. Without the existence of copyright, creative artists could be cut off from the income related to the copyright that is earned from the creative activities that they generate. Hence, it becomes the copyright owner's decision to whether to pursue a copyright infringement action or let that be. But these decisions also need to take into account whether the fanwork is making commercial gains out the creator's work or whether it is going against the moral rights attached to the creator's work since fanfictions are considered as "derivative work" in the US. One of the examples of fanfictions and copyright law is about the Swedish fanfiction write being sued for his 'Coming through the Rye that featured a seventy-six year old version of Holden Caulfield from the novel The Catcher in the Rye by J.D. Salinger (LAWPATH). After this case was heard in the court stating the fanfiction to be a direct parody of Salinger's book, they decided to ban it from being published in the States. Regardless of such cases, fanfictions are considered as harmless fun and provide an outlet for people's creativity and love for the stories and characters. Online piracy is another critical issue to be dealt with as it is one of the most challenging issues faced by creative industries today. Pirate sites are generating millions of dollars by advertising revenue annually out of which not even one cent going back to the original creative work owners(heda). There are two set of legislations introduced related to piracy in the U.S, namely SOPA (Stop Online Piracy Act) and PIPA(Protect IP Act). The significant aim of SOPA is to provide an intellectual property owner with the ability to shut down any foreign site that has a copyright claim against them (Saferinternet ORG). The far-reaching concerns that many of them have is that SOPA in its original format generally allows an intellectual property owner to take actions without the need for a single court appearance or a judicial sign-off. Internet users trying to access any pirated site would automatically receive an error message and for all intents and purposes, the site would never have existed. For instance, SOPA provides a film studio to demand that Google must remove the offending site from search results. Many of the technology companies were against SOPA and PIPA arguing that the bills will undermine the free and open web, and as a result, critics state that the legislation empowers the government and private parties to ensure censorship on the web for American Internet users by necessitating the search engines and internet service providers to block the access of websites that are possibly accused of copyright infringements(PCWORLD). Opponents of SOPA such as Youtube, Facebook, Twitter and Wikipedia are concerned about this particularly because these social media sites rely on a lot of content that is uploaded and shared by their users. Other than the downsides of this act, content providers support the idea of SOPA and PIPA. Content groups such as the Motion Picture Association of America argue that innovation and jobs in content creating industries are threatened by the growing power of internet piracy. They also argue that overseas websites are a safe haven for Internet pirates profiting off their content (CLOUDACADEMY).

In the end, copyright serves roles that are primarily economic, and it creates a sense of predictability in the organisation of cultural production. This is particularly important in capital intensive industries like television, music and film. Copyright laws need to hold economic fixity and cultural mobility to balance out entire copyright system and provide fair use towards both, the artists and the public. The limitations of copyright do not necessarily mean that original works are available for use free of any charge and it is only fair that legislatures and judges to follow a limitation-friendly approach of copyright to strike a balance between the original authors and the public. The copyright laws cannot protect ideas, but a creative person with an idea has other ways in which he can protect his ideas and the most efficient way is to develop it into something in order to qualify it for the copyright protection. Copyright by its nature cannot limit people from using other's work as theirs, but there is a boundary between using it lawfully and

using the work of others illegally. Human by their nature is bound to take inspiration and motivation from other’s work and it becomes difficult to judge this on the basis of copyright infringement. But what can be done is to weigh the amount of work used by someone from the original work and claim on the basis of their rights and fair use.