

Moral Panics and the Copyright Wars

By William Patry



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Metaphors, moral panics, folk devils, Jack Valenti, Joseph Schumpeter, John Maynard Keynes, predictable irrationality, and free market fundamentalism are a few of the topics covered in this lively, unflinching examination of the Copyright Wars: the pitched battles over new technology, business models, and most of all, consumers.

In *Moral Panics and the Copyright Wars*, William Patry lays bare how we got to where we are: a bloated, punitive legal regime that has strayed far from its modest, but important roots. Patry demonstrates how copyright is a utilitarian government program--not a property or moral right. As a government program, copyright must be regulated and held accountable to ensure it is serving its public purpose. Just as Wall Street must serve Main Street, neither can copyright be left to a Reaganite "magic of the market."

The way we have come to talk about copyright--metaphoric language demonizing everyone involved--has led to bad business and bad policy decisions. Unless we recognize that the debates over copyright are debates over business models, we will never be able to make the correct business and policy decisions. A centrist and believer in appropriately balanced copyright laws, Patry concludes that calls for strong copyright laws, just like calls for weak copyright laws, miss the point entirely: the only laws we need are *effective* laws, laws that further the purpose of encouraging the creation of new works and learning. Our current regime, unfortunately, creates too many bad incentives, leading to bad conduct. Just as President Obama has called for re-tooling and re-imagining the auto industry, Patry calls for a remaking of our copyright laws so that they may once again be respected.



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Moral Panics and the Copyright Wars By William Patry Bibliography

Sales Rank: #1365156 in BooksPublished on: 2009-09-03Original language: English

• Number of items: 1

• Dimensions: 6.10" h x 1.00" w x 9.30" l, 1.20 pounds

• Binding: Hardcover

• 292 pages



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Editorial Review

Review

- "A thought-provoking and highly readable book by one of America's top copyright scholars. Anyone interested in modern copyright debates needs to read it."
- -Eugene Volokh, Gary T. Schwartz Professor of Law, UCLA School of Law
- "Patry's insight into copyright law itself has long been established, but with this book he takes us deep into how the debate surrounding copyright law has been twisted and distorted. This is a must-read for anyone looking to understand the real issues in the copyright debate, both from the business-model and policy perspectives."
- -Mike Masnick, Founder and CEO, Floor64
- "Patry makes real policy prescriptions and emphasizes hard economic data, combined with his characteristic morality, innovation, and learning. This is an important book."
- -Carl Malamud, Founder, Public.Resource.Org
- "Patry's argument for reforming copyright law to promote modern day innovation is both engaging and meticulously supported by history and facts an essential read for copyright practitioners and policymakers alike."
- -R. David Donoghue, Partner, Holland & Knight
- "A bold and brilliant analysis of key cultural, business, economic, philosophical, and legal issues. Do we need 'creative destruction'? A must for the copyright community and its onlookers."
- -Howard Knopf, Counsel, Macera & Jarzyna, LLP
- "Few people are as qualified to write a book about the copyright wars as William Patry...And Patry has written a very fine book indeed. Reading Moral Panics is like watching a master brick layer gracefully and effortlessly build a solid wall: no wasted motion, no sweat, no missteps. Patry knows this subject better than anyone and can really explain it. This is the part of the debate that usually has me frothing at the chops, but Patry remains admirably calm as he carries this off, explaining in terms that anyone can understand the terrible violence that this kind of monopoly control does to our discourse, the arts, and competition and innovation."
- -http://www.boingboing.net/2009/09/14/patrys-moral-panics.html>
- "The short version is 'it's great.'
- Mike Masnic-TechDirt's
- "The tone is, as Patry hoped, civil and the two copyright lawyers' thoughts are well worth reading for anyone with an interest in the state of copyright law."
- -Robert J. Ambrogi Legal Blog Watch
- "William Patry has recently written a fascinating book entitled Moral Panics and the Copyright Wars which should be illuminating reading for every photographer interested in copyright in the digital age. In summary, Moral Panics and the Copyright Wars gives a good introduction to understanding the background and context of energetic discussions of copyright in this age. We all as photographers, along with all participants

in the digital copyright wars would do well to heed the advice of the author, tone down the rhetoric, and work towards innovative solutions."

-David Sanger's Blog-White House Correspondent for the New York Times

About the Author

William Patry is Senior Copyright Counsel at Google Inc. He previously served as copyright counsel to the U.S. House of Representatives, Committee on the Judiciary, a Policy Planning Advisor to the Register of Copyrights, a law professor, and in the private practice of law. He is the most prolific scholar of copyright in history, including being the author of an eight-volume treatise and a separate treatise on the fair use doctrine.

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