

Looking at Copyright Law as a

- Computer Scientist
- Consumer
- Teacher of an E-Commerce Course

Joan Feigenbaum

<http://www.cs.yale.edu/~jf>

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Content-Distribution System Specification

- Part of the spec should be “enforce copyright law” (or at least “obey copyright law”).
- In US Copyright Law
 - + Owners are given (fairly) well defined rights
 - Users are given “exceptions” to owners’ rights.
- This is no way to specify a system!
- Need **affirmative, direct specification** of what users are allowed to do.

What if Someone Builds a **Good** TPS?

- Lots of clever arguments in favor of
 - Users' rights to reverse engineer
 - Users' rights to circumvent
- These arguments are correct but **insufficient**
 - As system engineering (see "specification" slide)
 - As a philosophical position: If fair use is a part of the copyright bargain, one should not have to hack around a TPS to make fair use.
 - As protection against ever-expanding rights of owners: What if someone builds a TPS that **can't be hacked?**

Content-Distribution System Engineering

- “Fair use analysis therefore requires a fact intensive, case-by-case approach.”
[Mulligan and Burstein 2002]
- This is no way to engineer a mass-market system!
- Need to be able to recognize the **typical, vast majority** of fair uses extremely **efficiently** and permit them.
- Note that, in the analog content-distribution world, the vast majority of fair uses *are* non-controversial.

The Way Forward

- "The best TPS is a Great Business Model."
[Lacy, Maher, and Snyder 1997]
- Use technology to do what it does naturally.
- An Internet content-distribution business should benefit from uncontrolled copying and redistribution.