The Statute of Anne and the Purposes of Copyright

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Copyright @ 300
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Agenda

- The (Two) Purposes of Copyright
- The Irrelevance of the Statute of Anne
- The Irrelevance of the Statute of Anne!
The Purposes of Copyright

- An Organizational Rule for Content Industries
- The Allocation of Social Surplus in Creative Works
An Organizational Rule for Content Industries

- Clear Allocation of Rights
- Followed by Coasean Bargaining
- The Real World
The Allocation of Social Surplus in Creative Works

- The Degree of Control
  - General Limits (e.g. terms)
  - Specific Limits (e.g. fair use)
  - Very Specific Limits (e.g. compulsory licenses)

- Previously Existing Works
Allocating the Social Surplus

Authors <-> Publishers <-> Readers
The Statute of Anne’s (Non) Role in Furthering the Purposes of Copyright
The Stationers’ Company

- not a monopoly – a guild
- The Stationers’ Company’s Relationship to the State
  - 1403: Stationers’ Company Founded
  - 1557: Grant of Royal Monopoly
  - 1641: Parliamentary Recognition
  - Overriding Regulatory Role: Censorship
- Stationers’ Copyright
The Stationers’ Company’s Demise

- 1694 Failure to Renew the Monopoly
- Market Forces
- Printers vs. Book-binders vs. Booksellers
- The “Congers” & The Death of the Guild System
- 1712 Stamp Act
The Statute of Anne

- A Central Place for Authors
- Imagine: The Statute of Anne + The Stationer’s Monopoly
- Common Law Copyright

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The Happy Irrelevance of the Statute of Anne

- A New Order ... of Authorship?
- A New Order ... of Publishing!
  - Decentralization
  - Flexibility
  - Decoupling Censorship and Industrial Regulation
The Statute of Anne: A Durable Rule for a Transient Order