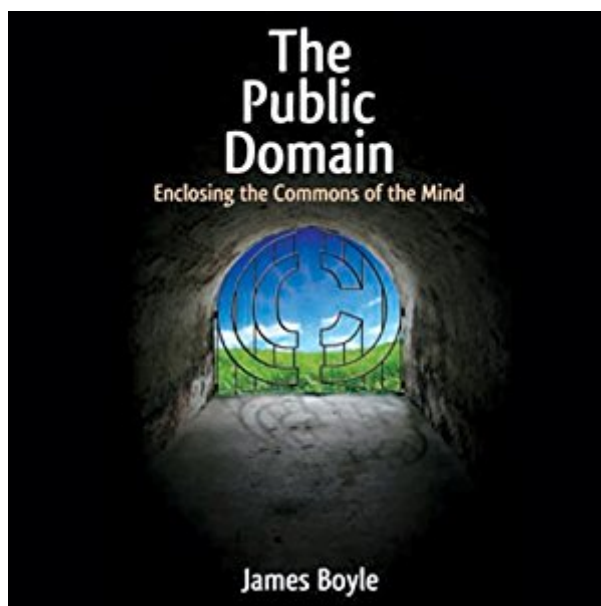


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# The Public Domain: Enclosing The Commons Of The Mind



## Synopsis

In this enlightening book James Boyle describes what he calls the range wars of the information age--today's heated battles over intellectual property. Boyle argues that just as every informed citizen needs to know at least something about the environment or civil rights, every citizen should also understand intellectual property law. Why? Because intellectual property rights mark out the ground rules of the information society, and today's policies are unbalanced, unsupported by evidence, and often detrimental to cultural access, free speech, digital creativity, and scientific innovation. Boyle identifies as a major problem the widespread failure to understand the importance of the public domain--the realm of material that everyone is free to use and share without permission or fee. The public domain is as vital to innovation and culture as the realm of material protected by intellectual property rights, he asserts, and he calls for a movement akin to the environmental movement to preserve it. With a clear analysis of issues ranging from Jefferson's philosophy of innovation to musical sampling, synthetic biology and Internet file sharing, this timely book brings a positive new perspective to important cultural and legal debates. If we continue to enclose the commons of the mind, Boyle argues, we will all be the poorer. --This text refers to the Paperback edition.

## Book Information

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## Customer Reviews

Imagine it is 1991. Your task is to produce the greatest reference work in history. It must cover everything from the best Thai food in Durham to the history of the Blue Dog coalition. Will you hire an army of experts and editors to produce an encyclopedia? Or will you wait for an unorganized

multitude of volunteers aided by search engines to create a world wide web of information? I would have bet on the experts. James Boyle, Duke University law professor and author of *The Public Domain*, would have, too. The last time he consulted a print encyclopedia was 1998. You? The internet, of course, changed everything. But: "In the middle of the most successful and exciting experiment in nonproprietary, distributed creativity in the history of our species, our policy makers can see only the threat from `piracy.'" Take an MP3. Boyle argues that it is fundamentally different than physical property, like a car. My use of an MP3 does not interfere with yours. We can both listen to it. No property is lost if it is copied or shared. It is not like stealing your car. You have an MP3, and I have an MP3. No one has "lost" anything. Except the content provider's (an insidious term if ever there was one) opportunity for profit. BMG and Sony, naturally, equate file-sharing with theft. They argue that file-sharing means no creators are compensated, meaning there is no incentive to create. No one creates for free, they say. A one-word retort: Wikipedia. The recording companies use copyright law to protect their ability to profit in a specific, proprietary way.

Boyle's latest book, *Public Domain*, is a fascinating read. For a copyright lawyer like myself, PD is a god-send. Digital copyright and its implication on free-speech, innovation, access to information/useful writing etc. is a rapidly expanding area of scholarship; literatures out there are vast and intimidating, enough to put newcomers off even though the subject's basic premise could be easily grasped by all. Boyle managed to provide a guide which gives a big picture of what was then, what is now and what will happen next. Just reading this one book will put you in touch with practically all the latest (and disturbing) issues regarding the digital copyright movement. I'm actually teaching my IT law class from it. The endnotes at the back are so informative and useful; they are the perfect guide for readers who want to delve more deeply into any particular topic. This book also provides everything you will ever need to know about intellectual property, without going into unnecessary details. It covers philosophy of IP, the historical development (both in common-law world and in the continent), visions and warnings of Jefferson and Macaulay. It also captures the world before and after Sony-Betamax and encapsulates the mind-set of entertainment industry and their dislike of new business practices. I particularly like Boyle's discussion about why a pro-consumer decision like the Sony case is so important as a rare "counter-example" of technological threat argument and why Grockster and Napster failed to reach the same result: it's all about politics of the cartel dinosaurs; no one is really fighting for the consumer. It's simply logical and thus hard not to believe in what he wants to say. Information here is just abundant.

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