Solomon Sallas

Ms. Boyd

AP Literature and Composition

18 April 2010

Baker, Dean. "Free Market Myth: Regulation is everywhere. Let's choose who benefits." Boston Review 34.1 (2009): 7-9. Literary Reference Center. EBSCO. Web. 17 Apr. 2010.

Summary of Article

The author claims that government regulation covers the free market despite the regulation versus free-market political argument. In the article, copyright and patents are the main regulation forms examined. The first example used is how pharmaceutical companies enjoy a monopoly in the form of patents on their drug research that raises the price of non-generic drugs far above the level set by the free-market; the non-generic drugs are not chemically different from their generic counterparts, but for some reason—when they are first set out—they receive a huge cost increase. Several alternative forms to a patent system are given, showing that patents are not the only way to promote development in drug research but are merely the way we have chosen to regulate. Copyrights in the creative fields are the second example listed. Several cases of disproportionate actions by the government to protect copyrights are given, and the author also lists areas where creativity continues with no dependance on copyrights: universities, private foundations, and others. The examples are meant to show that copyrights, like patents, are simply the way

regulation has been set up and that they are not the only way. Finally, the author goes into detail about the financial crisis and examines how the two sides of politics brand each other with misleading and over-simplified names; in the end, government regulation is wanted by both sides of politics with the only difference being how the regulation is carried out. The author suggests that we accept that both sides of the argument want regulation so that we can make informed decisions about which regulation to choose.

Reaction to Article

Regulation is a bit of a buzz word among the political climate these days, and this article seems to want to rectify that situation. The author wants people to recognize alternatives to possibly oversized regulation traditions: copyrights and patents are the two primarily covered. From the article, it seemed that the patent system in pharmaceutical research is just plain dangerous: wildly altering the free market price of drugs by giving patent holders a right to set their own price for the greatest profit. It is a monopoly that deals with the public's health (inadvertently on the surface, but I feel that dealing with drug research is the same as dealing with health treatment in general). Also, in the article copyrights are made to seem dangerous—creating wildly powerful governmental policies like the FBI infiltrating the facilities of copyright infringing organizations, pursuing foreign infringers, and litigating citizens who are copyright infringers with massive lawsuits. I was impressed by some of the alternative forms of regulation listed (a tax credit for the arts seems reasonable) and it is enlightening to know that alternative methods of encouraging the progress of sciences even exist. Encouraging talk across political environments was

the final goal of the article, and I feel that—if everyone breaks from labeling and makes informed decisions—problems like an overtly powerful patent and copyright system can be manipulated and altered to better suit the changing world they operate in.

Saint-Amour, Paul K. "Copyright Wrongs: When technology makes an illegal act easy, should the law make the act legal?." American Scholar 77.4 (2008): 128-131. Literary Reference Center. EBSCO. Web. 17 Apr. 2010.

Summary of Article

The article examines the arguments of Lawrence Lessig—a Stanford law professor—on copyright law as the "read-only" culture is being replaced with the "read-write" culture. John Philip Sousa was technophobic in relation to the gramophone, claiming that it was replacing the aural tradition of singing songs; Lessig claims that our culture has come full circle from this situation as singing—a "read-write" culture—moved to the gramophone—the "read-only" culture —and back to the read-write culture of the digital age in which people can create mash-ups of material already created in order to create new content and culture. Lessig argues that this new culture is directly resultant from technology; the amateur creator is now favored by technology. However, he also suggests that intellectual property law and copyright regulations do exactly the opposite and disadvantage the amateur; he cites John Philip Sousa as particularly fearful of the over-zealousness of government regulation for fear of stifling amateur creativity. Because of the difference between technology and law, Lessig is fearful of the ethical implications of a law that is

generally ignored because of technology and sparsely enforced though (when it is enforced) often enforced to a disproportionate degree from the actual damage to society. Copyright in general, Lessig claims, is not a dangerous setup; the danger comes when copyrights are overprotected and become a stifling impediment to artistic creativity.

Reaction to Article

The connection to John Philip Sousa is intriguing to me; in this context, it does seem like culture has moved full circle: from aural traditions where music and culture are passed along but modified on the way, to recordings on which there is no change to the culture, and finally back to modification in the form of digital remixing. It seems that copyrights are important here—Sousa wanted protection from devices that could duplicate his works almost perfectly; however, he was worried about the restrictions that might be placed on amateur modification by the aural tradition. Also, the disproportionate litigation set on copyright infringement is odd; the fact that copyright holders use short bursts of scare tactic fueled lawsuits is worrisome, and what makes it worse is—as the article points out—the fact that they feel like they need to do so to protect their hold on the copyright. If the copyright is meant to protect ownership, why do the holders feel like they need to protect the copyright as well? This article helps to establish the usefulness of copyright in my mind, but it also affirms my belief it is a bloated and often detrimental form of regulation.

Sheffner, Ben. "SONGWRITERS VS. PUBLISHERS." Billboard 122.15 (2010): 4. MasterFILE Premier. EBSCO. Web. 18 Apr. 2010.

Summary of Article

The author predicts that, once termination of copyrights authored in 1978 goes into effect in 2013 following the 1978 Copyright Act, a major bout of litigation will occur as songwriters attempt to reclaim their works from their publishers. The major legal questions surrounding copyright in music include who owns the actual song; the songwriter, the sound engineer, the producer, or everyone involved are all possible answers, but none have been fully examined. The author suggests that those questions will have to be asked when termination comes into effect, however. An example given is that of Charlie Daniels "The Devil Went Down To Georgia" which was written in 1979; the song was written under an agreement from 1976 and lasted past 1979 so, by a bit of a loophole, it may be possible to deem the copyright on the song not applicable to termination—what the author pronounces as a songwriter's worst nightmare: losing the song they wrote to the company they signed the songwriting deal to. The author ends by suggesting that, while the end results of cases are not determined yet, there will almost certainly be plenty of litigation surrounding termination of copyrights.

Reaction to Article

It seems absurd to me that such a tempest of law surrounds the termination of what is meant to be a protection for authors. The large companies who created contracts have overstepped their bounds of profiting from artists by claiming the songs artists create as an entity they own

because they control the copyright. Copyright is such a powerful tool that it seems that whoever controls it can control the work with the copyright and anything about that work: including whose creativity gave it life in the first place. If copyright is that strong of a regulation, how can it ever be used to protect anyone but whoever has the most lawyers—such as publishing companies? It seems to me that copyright is too powerful for its own good.