

## Property and the Future

Described by *The New Yorker* as “the most important thinker on intellectual property in the Internet era,” Professor Lawrence Lessig of Stanford University has published his third book on property and the Internet. *Free Culture* wastes little time, announcing its basic theme in the subtitle: *How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. And, as the saying goes, the professor puts his money where his mouth is—a free electronic version was made available when the hard cover was released for sale by the Penguin Press.

Early in the book, Lessig explains, “There has never been a time in our history when more of our ‘culture’ was as ‘owned’ as it is now.” And that’s a problem. As he’s explained in various venues:

- ◆ Creativity and innovation always build on the past.
- ◆ The past always tries to control the creativity that builds upon it.
- ◆ Free societies enable the future by limiting this power of the past.
- ◆ [Because of more stringent copyright law] ours is less and less a free society.

An historical irony is that those groups calling for extended and strictly enforced copyrights were pirates in their earlier histories: The movie industry fled to the West Coast to avoid Edison’s film patents; the record industry made phonographs and music rolls “of the work of the brain of the composer and publisher without any regard for [their] rights”; the radio stations paid the composers but not the performers; and cable TV “borrowed” the content of broadcasts delivered over their lines in 1948 (Napsterizing broadcasters’ content and, even worse, doing what Napster



The free electronic and commercial versions—the medium is the message.

never did—“charging for the content it enabled others to give away.”) Today, these media stand shoulder to shoulder against anyone who would take, use, or give away their content.

A free culture can be rescued, according to Lessig, by returning to a middle ground between the “No Rights Reserved” anarchists and the “All Rights Reserved” copyright warriors. Groups like the Creative Commons corporation in Massachusetts (<http://creativecommons.org>) and the Public Library of Science ([www.publiclibraryofscience.org](http://www.publiclibraryofscience.org)) can help restore our ability to tinker and build on the past. ■