



## **The Copyright Wars: Three Centuries of Trans-Atlantic Battle**

*Peter Baldwin*

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Today's copyright wars can seem unprecedented. Sparked by the digital revolution that has made copyright--and its violation--a part of everyday life, fights over intellectual property have pitted creators, Hollywood, and governments against consumers, pirates, Silicon Valley, and open-access advocates. But while the digital generation can be forgiven for thinking the dispute between, for example, the publishing industry and Google is completely new, the copyright wars in fact stretch back three centuries--and their history is essential to understanding today's battles. "The Copyright Wars"--the first major trans-Atlantic history of copyright from its origins to today--tells this important story.

Peter Baldwin explains why the copyright wars have always been driven by a fundamental tension. Should copyright assure authors and rights holders lasting claims, much like conventional property rights, as in Continental Europe? Or should copyright be primarily concerned with giving consumers cheap and easy access to a shared culture, as in Britain and America? "The Copyright Wars" describes how the Continental approach triumphed, dramatically increasing the claims of rights holders. The book also tells the widely forgotten story of how America went from being a leading copyright opponent and pirate in the eighteenth and nineteenth centuries to become the world's intellectual property policeman in the late twentieth. As it became a net cultural exporter and its content industries saw their advantage in the Continental ideology of strong authors' rights, the United States reversed position on copyright, weakening its commitment to the ideal of universal enlightenment--a history that reveals that today's open-access advocates are heirs of a venerable American tradition.

Compelling and wide-ranging, "The Copyright Wars" is indispensable for understanding a crucial economic, cultural, and political conflict that has reigned in our own time.

## The Copyright Wars: Three Centuries of Trans-Atlantic Battle Details

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## From Reader Review The Copyright Wars: Three Centuries of Trans-Atlantic Battle for online ebook

### Ross Hunter says

Can't finish it. I usually like arcane stuff like this but there are too many words for not enough ideas.

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### Eustacia Tan says

This was a hard book to read. Hard is in, technically difficult, dense and rather dry. But, I think if you have an academic interest in copyright law, you may want to use this as a textbook.

It's hard to describe the book without giving a summary of what it's about, but I'll try. Basically, it's a historically look at how the Continent (Europe), Britain and America dealt with copyright law at various points in time. Generally, Europe has been all about the author and his/her rights, while the Anglophone countries have been more about the public. However, the Berne convention brought America more in line with Europe. The book ends with a look at how the internet is changing the way people view copyright today.

And hey look, it appears that I learnt something. So even though the book was very difficult for me to understand, it looks like enough got in for me to actually do a summary.

Oh, and to answer a class question. I was in a just-started class when my teacher asked me something that roughly translates to "So why didn't England join?". Unfortunately, I misheard and thought the question was "So why didn't you go to England" and made a reply. So, to salvage whatever dignity I had, the "actual" answer had to be decent. Thankfully, parts of this book was stuck in my head and I managed to give a good enough reason that didn't make the teacher sigh or shake his head.

I wouldn't really recommend this if you're new to copyright law. It's a bit dense, and if you have no idea about what it's about, this might scare you. But, if you're looking to dig deeper into copyright law, then you'd be interested in this book. It's tough, but it does contain a lot of information.

Disclaimer: I got a free copy of this book from NetGalley in exchange for a free and honest review.

This review was first posted at Inside the mind of a Bibliophile

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### Chrisleg says

Copyright is part of my day job and I already think it's interesting, but this book took a long time to work through. Lots of good information, meticulously footnoted. Well written, even with some humor. I thought it was worth the effort and I learned a lot but this is definitely not light reading.

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## **Son Tung says**

Difficult read, most important piece of information laid on first and last chapter. There are books that make my head hurt, but good hurt, I must take a break and feel excited to continue. But this book gave me the bad kind of hurt, I skipped latter 1/6 before concluding chapter of it, because of the jargon and heavily convoluted sentences. A few points I noted:

- Copyright war (pirate): 1886, Bern Union was founded. US only recognized foreign author's right only in 1891 and kept wary distance from Bern for the next 100 years. It only joined Bern in 1989. Once a culture importer and therefore copyright pirate, the US has become the world's largest exporter of content. The US is not only the pirate nation, Belgium did the same for French books, Austria for German work.

- Anglo American Copy Right vs European Author's right. Copy Right intended to give author sufficient encouragement to remain fruitful, thus enrich public domain and serve useful social functions: to enlighten, entertain, educate.

Author's Right in Anglo and European world : When author assigns rights to their work, they usually diverge (lost control of work for the author). While in Europe, though economic rights were alienated, author still can retain aesthetic control. In Europe a novel ideology of author's right emerged that went well beyond the scope of mere copyright. At 1st, it founded creator's claim on the allegedly natural right to property, extended now to include also literary property. In 19th century, it expanded further, expressed the idea that it holds the personalities of the author so it cannot be wholly separated from him. Authors of derivative works as well as performers and interpreters found their artistic freedom curtailed by the primary author.

In late 19th century France and Germany, authors were given expansive new power including moral rights, aesthetic control that lasted even after they have sold their work. Moral rights were strengthened by the Fascist regime, claiming to rejuvenate the authors even as they brutally subordinated them to the alleged will of the people. But the high point of continental ideology of author's right came with the legislative incarnation of moral right during 50s and 60s. France and Germany seek to differentiate themselves from former totalitarian regimes. In contrast, during the 19th century Britain and especially America maintained the Enlightenment ideals of expansive public domain.

- Fair Use: Historically, the German has been more generous than the French in fair use (Prussian law 1794 allowed excerpts of works, Prussian law 1837 permitted citations of passages and poems in historical and critical work. Fair use was enshrined in German law 1870...)

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## **Lance Eaton says**

Ok, so a book about copyright sounds utterly uninteresting to most people. Why not an epic poem about curtains or an opera about nail-clippings? Seriously, it's not that bad and in fact Baldwin's book explains a great deal things about the origins of copyright, why it's so damn complicated, and how it has been shaped in the United States, the United Kingdom, and Europe through interactions, trade agreements (and disagreements), and competition among the different countries. It's a history that traces the emergence of printing as an industry and explains the origins of our most basic understanding about copyright, discussing such topics as what it means for a work to be inalienable (or alienable), what is the public's interest in

protecting copyright, where did moral rights come from (and evolve to), etc. It's expansive in its coverage but clear in its detail. For anyone trying to grasp the complexity of copyright and why it is so problematic, Baldwin's book is a great route. Overall, I enjoyed the book though found at times, while the research was solid, he took time to editorialize and critique things that were a bit out of the purview of the book. However, Baldwin actually offers a digital copy of his book for free on ResearchGate so if it is a text that may be of use to you (here's looking at you, librarians, scholarly communication scholars, lawyers, etc), you can always get it online.

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### **Lee says**

A good history of the development of copyright, but Baldwin's language and prose is bloated. This four hundred page book would probably be a sharper read and offer a more concise argument if it were about three hundred pages.

Still, Baldwin makes a good case for the importance of limited copyright and the problems with moral rights or the attempt to extend copyright forever. He also does a good job of wrestling with some of the problems that copyright and the general attempt of creators to exert control over their art as we enter into a digital era.

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### **MM says**

What I most appreciated in this was Baldwin's discussion of European approaches to copyright (and some of the continental philosophy ungirding that approach).

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### **Parker says**

This is a really incredible book. Exhaustively researched and cited, with hundreds of footnotes \*per chapter\*, it goes through the comparative history of about three and a half centuries of copyright law in continental Europe and "the Anglosphere," outlining legislative and popular debates with primary documentation and everything.

It's easy to make generalizations about the difference between US/UK-style copyright and EU-style copyright, but this book backs those up with the good stuff.

The second two thirds of the book, focusing first on the late-19th and early-20th century, and then the digital shift in the 1980s, 90s, and 2000s, captured and held my attention much more than the early history stuff in the beginning. Chapter 5 in particular, on moral rights in fascist Europe, was fascinating. But there's something in here for everybody, and anecdotes and data throughout are definitely entering my regular rotation. (Pity the people I meet at cocktail parties.)

If you liked this, I recommend *Piracy: The Intellectual Property Wars from Gutenberg to Gates*. Another extensively researched deep dive into similar issues.

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### **Alexandra says**

Fantastic overview of a confusing and complicated field - copyright. The only reason I give it a 4: it is sooooooo boring and so difficult to read. This book has been putting me to sleep - had to struggle to finish it.

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### **Ailith Twinning says**

Damn, did a great job of boiling this down to a single volume.

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### **Robert Wechsler says**

As a former lawyer and book publisher, I am the perfect reader for this book. I found it fascinating and exhaustive, at least from a historical, legal, and theoretical point of view (but, for example, for all the author talks about authorial rights, he says little about the responsibilities that attend these rights).

However, I also found the book repetitive, sometimes poorly structured, and its language and attitude too often snide and broadly satirical in a political blog sort of way. I found myself skimming a great deal. But I also found myself frequently excited by the history and the ideas. It's a tremendous story, and it could have been a great book rather than a very good but aggravating one.

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### **David Wiley says**

The best book I've ever read on the topic. Wonderful.

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