

# **Copyright Reform: Taking Pirate Party and Green Party as Examples**

**by**

**Lin Lin Wang**

B.A., Harbin University of Commerce, 2013

Extended Essays Submitted in Partial Fulfillment of the  
Requirements for the Degree of  
Master of Arts

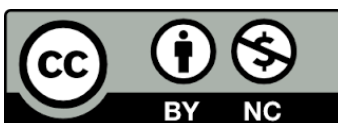
in the

School of Communication (Dual Degree Program in Global Communication)  
Faculty of Communication, Art & Technology

**© Linlin Wang 2016**

**SIMON FRASER UNIVERSITY**

**Summer 2016**



This thesis is licensed under a Creative Commons license.  
This license permits non-commercial use of this work, so long as attribution is given.  
For more information about the license please visit:  
<<http://creativecommons.org/licenses/by-nc/4.0/>>.

# Approval

**Name:** Linlin Wang  
**Degree:** Master of Arts (Communication)  
**Title:** *Copyright Reform: Taking Pirate Party and Green Party as Examples*  
**Examining Committee:** Chair: Alison Beale  
Professor

**Juan Pablo Alperin**  
Senior Supervisor  
Assistant Professor

---

**Mo Chen**  
Supervisor  
Professor  
Institute of Television Studies  
Commercial University of China

---

**Date Defended/Approved:** August, 4th, 2016

## **Abstract**

Copyright law affects every single person in this world. With the development of digital technologies, the dominant copyright system, which formed for print age is now out of date. Copyright reform is urgently needed. This paper attempts to provide a political and economic background of current copyright law in terms of its international development and then uses Marxist political economy theory to analyze specific movements in the development of copyright law. The analysis highlights the importance of the evolving relationship between authors and publishers as a key aspect of the social injustices of the current system. This background provides the context to compare the copyright reform policies of the Pirate Party and the Green Party and questions whether existing efforts are enough for copyright reform and whether copyright reform will succeed. It concludes that efforts come from political parties rather than creative commons are enough for current copyright reform, with the premise that reform policies of political parties are implemented which seems with difficulty.

**Keywords:** copyright reform; the Pirate Party, the Green Party; Marxist political economy

*for my favorite parents!*

# Table of Contents

Approval .....	ii
Abstract .....	iii
Dedication .....	iv
Table of Contents .....	v
List of Tables .....	vi
<b>Chapter 1. Introduction .....</b>	<b>1</b>
<b>Chapter 2. Three Concepts of Marxist Political Economy .....</b>	<b>3</b>
<b>Chapter 3. Copyright Formation History .....</b>	<b>5</b>
3.1. Copyright Development Trilogy .....	6
3.1.1. Pre-copyright Period: From the Concept of Copyrights to The Statute of Anne in 1710.....	6
3.1.2. Classical Copyright Period: 1710 — 1886 Berne Convention .....	8
3.1.3. International Copyright Period: 1886 — Current.....	10
3.2. Contemporary Copyright Issues .....	13
1. From Author Centre to Investor Centre .....	13
2. Infinitely Extended Term of Copyright Protection .....	13
3. Copyright is Becoming the Tool of International Trade .....	14
<b>Chapter 4. Copyright Reform .....</b>	<b>15</b>
4.1. What Has Already Been Done?.....	15
4.1.1. Creative Commons and The Copyleft Movement.....	15
4.1.2. Why Creative Commons and The Copyleft Movement Are Not Enough .....	19
4.2. Why Will Reform Come from the Left? .....	21
4.2.1. Left-Right Politics .....	21
4.2.2. Left Wing Parties .....	22
4.2.3. Far Left and Centre Left.....	24
4.3. How Would Copyright Reform Going? .....	25
4.3.1. Why Look at These Two Parties?.....	25
4.3.2. Policies of Two Parties .....	26
4.3.2.1 The Pirate Party .....	26
4.3.2.2 The Green Party .....	30
4.3.3. Comparing Two Parties' Policy.....	33
<b>Chapter 5. Conclusion .....</b>	<b>38</b>
5.1. Are Those Efforts Enough for Copyright Reform? .....	39
5.2. Will Parties Succeed at Reforming Copyright?.....	40
<b>References .....</b>	<b>44</b>

## List of Tables

Table 4.3.3	Pirate Party and Green Party's Copyright Reform Policies Compare .....	34
-------------	---	----

# Chapter 1.

## Introduction

Social movements struggling against the publishing industry's entrenchment and extension of copyright protection are on the rise. This is seen in creative commons licenses and the reform policies proposed by parties such as the Green Party and the Pirate Party throughout Europe and North America. The historical formation of contemporary copyright laws has extended for more than 300 years, and while they were conceived of to benefit authors and the public at large it hard to say if copyright law has really benefited either. Under the banner of "promoting the Progress of Science and useful Arts" (Copyright clause, Article I, Section 8), copyright laws have become a tool of interest groups who own copyrights and use the protection to expand their ability to make money; a process that has remained consistent from the classical copyright period (1710-1886) to the international copyright period (1886-current). My illustration of the mechanisms of copyright law demonstrates how authors and readers are positioned in contradiction to publishers who have come to monopolize copyright ownership. The means by which copyright laws have led to an exploitative relationship between those who produce value and those who accumulate wealth coincides with a Marxist political economy approach because it addresses how financial exploitation leads to class formation, I therefore chose Marx as a structural frame to analyze the historical formation of copyright law and a measure scale to judge the reform efforts come from the Pirate Party and the Green Party. The purpose of this paper is to explore issues and strategies involved in copyright reform in order to understand what is being struggled against.

The whole paper is divided into three parts: chapter 2 is a brief introduction of the theoretical analysis framework of this article; chapter 3 is the formation history background of current copyright system from the angle of Marxist political economy

theory; chapter 4 describes the existing circumstances of copyright reform. In general, chapter 2 introduces Marx's political economy theory of class struggle, an explanation of what I have coined as the 'copyright development trilogy' in chapter 3 and an accounting of why social movements are pushing for reform in chapter 4. Since Marxism is a huge system of thought, I will focus on three main concepts, his theories of: value, reproduction, and monopoly. These concepts are applied to the "copyright development trilogy", which depicts three distinct stages in the development of copyright laws. For the purposes of this paper, I will identify class formation along the lines of: publishers as a privileged capitalist class, and authors and readers as exploited working class. Publishers are in the middle of authors and readers, authors and readers do not trade with one another directly because of publishers. Readers belong to the same class as authors because of their similar inferior positions when interacting with publishers. Authors are in inferior position because their minor "compensation and the relative lack of success of regulatory measures intended to enhance authors' bargaining power" (Maureen, 2003). Readers are exploited because publishers repeatedly prolong the term of copyright protection and hinder readers' access to copyrighted works. Identifying some of the reasons to reform current copyright laws will demonstrate how author and reader interests converge and enable us to map the struggles as an ongoing process.

Except the above part, chapter 4 is a very important chapter in this article as well. I will describe some copyright reform efforts come from two different social groups; one comes from Creative Commons and The Copyleft Movement, another comes from two international political parties—the Pirate Party and the Green Party. During my compare of reform policies from the Pirate Party and the Green Party, I will pull the left-right political spectrum concept comes from politics to measure which party is more radical in copyright reform issue. At the end of this article I will discuss whether those reform efforts are enough or not to bring real change to current unequal copyright system. Also, Marxist political economy would throughout the whole 4<sup>th</sup> chapter because its analysis about the relation between authors and publishers provide me a standard to measure the efforts no matter within two political parties or between Creative Commons and political parties.



## Chapter 2.

### Three Concepts of Marxist Political Economy

Marx was one of the greatest thinkers of the 19th century. He was influenced by German philosophy and English classical political economy during his writing of *Capital* where he developed his theories of value, reproduction and monopoly. In Marxist approaches, changes in social organization are analyzed through modes of production and social formation. Social formation consists of the modes of production that are dominant in the economic structure and the resulting relations found in the superstructure of society (Onimode, 1985:57). The mode of production consists of productive forces and relations of production. Productive forces have three elements: subjects of labour, instruments of labour and labour-power. The relations of production also have three elements: who owns the means of production, the status of people during production, and the means by which a product is distributed (Onimode, 1985:48). A society's economic structure is the sum of all of these relations of production, which then dominate all other social relations (Onimode, 1985:49). Under Marxism then, it is the base relations of production that give shape to the superstructures of society; consisting of the state, law, religion and the like. (Onimode, 1985:49). From this we learn that productive forces are at the centre of social formation and as such, all value is derived from labour.

Marx's theory of value deconstructs the final price of a commodity by examining how different values are generated in its production, the most important of which are use value and exchange value. Use value is the natural attribute of a commodity, which means something is useful. Exchange value is the societal attribute of commodities and represents the market price of commodities. Use value is the base of exchange value because items are only exchanged when they are thought to be useful. Exchange value is important because it forms the basis of how authors and readers are connected to

publishers. It is through these exchanges that literary works become commodities. By penetrating these capitalist relations of exchange, “the labour theory of value exposes underlying social relationships between labour and capital, [and] between social classes” (Onimode, 1985:67). This is to say that to focus on value is to study relations between humans rather than between commodities.

The definition of surplus value under capitalism is the difference between the exchange value of commodities and the purchase of the labour required for its production. Surplus value is therefore equal to unpaid labour because the price of labour is less than the final price the commodity is exchanged for. This leads to inequality because the means of production are monopolized by capitalist classes who are able to accumulate surplus value (Onimode, 1985:76).

Reproduction theory is the application of Marx’s theories of value to the analysis of capitalist accumulation. Marx divided reproduction into simple reproduction and expanded reproduction. Simple reproduction occurs when capitalists spend all of their surplus on consumption. Under expanded reproduction, capitalists are assumed to save and invest a fraction of their income or surplus value. (Onimode, 1985:113) Reproduction occurs in the early stage of capitalism when competition is allowed, mergers and monopolies are what result from these practices in the late stage of capitalism.

One major effect of the centralization of capital is the replacement of competition by monopoly. Monopolization has many impacts on capitalism, such as: monopoly pricing, concentration of accumulation, selective distribution, uneven global development and is a general instigator of crisis. (Onimode, 1985:114) Monopolies are disruptive because their profits are largely at the expense of entrepreneurs and once competition has died off, they tend to charge higher rates. In global capitalism, monopolies generate unequal development between centre and periphery nation-states through the combined consequences of colonialism and the activities of the multinational corporations. (Onimode, 1985:199) The historical formation of copyrights is a process of the concentration and monopolization of resources, which is explored in the following section.

## **Chapter 3.**

### **Copyright Formation History**

Marxist theories of political economy are far more complex and grand than my brief introduction above. Indeed, “Marxist political economy discloses the essence of material production as a social phenomenon and develops an understanding of the economic laws and historical processes in the development of the capitalist system.”(Onimode, 1985:26) When organizing the modern history of copyright protection, I found that a Marxist political economic approach could be applied to deconstruct the formation of copyright regimes. In particular, it provides insight on how copyright law has contributed to class formation, as throughout the historical formation of copyright law, publishers and authors have become contradictory forces representing divergent interests in the publishing industry.

Authors produce works that are attributed with use value and exchange value. The use value of a book is the general knowledge dissemination that comes from popular access to the written word. Exchange value relates to the publishing industry as products have two primary points of exchange to get an author’s ideas to a curious public: the first exchange is from authors to publishers, the second is from publishers to readers. Publishers purchase a temporary monopoly copyright from authors at a relatively low price, then publishers sell copies of the work, to readers at a higher price. The profit the publishers extract is the surplus value generated by the difference between the price they paid for the authors’ labour and the price they sold the commodity to readers. By extending the term of copyright protection over and over again, publishers have increased their ability to accumulate capital and expand reproduction. When we look at this process from an international perspective, the competition between authors and publishers becomes competition between developing countries and developed countries for just as publishers have monopolized the

ownership of copyrights, companies based in developed countries own the vast majority of copyrights. A monopolized international system is appearing in a manner consistent with the claims of Marxist political economy theory.

### **3.1. Copyright Development Trilogy**

#### **3.1.1. Pre-copyright Period: From the Concept of Copyrights to The Statute of Anne in 1710**

The origins of copyright can be traced to the social, political and legal thought of Greece and Rome (Atkinson and Fitzgerald, 2014:19). In his dialog *Utopia*, Plato<sup>1</sup> proposed a society in which the rise of a ‘community of interest’ made the concept of private property redundant. His pupil, Aristotle<sup>2</sup>, also thought that the concentration of ownership is socially harmful (Atkinson and Fitzgerald, 2014:19). Until the early medieval period, Catholic Fathers said that property is the consequence of original sin; humans create property because they are imperfect creatures. (Atkinson and Fitzgerald, 2014:20) These Fathers promoted the Catholic conception of the natural law, which justified communal property. It was not until much later that Thomas Aquinas<sup>3</sup> presented a new concept of property justifying it as “super-added” to natural law (Atkinson and Fitzgerald, 2014:20). This was important because during the 14<sup>th</sup>-16<sup>th</sup> centuries, many radical developments in Europe, such as the spread of humanism, the Italian Renaissance, the Black Death, the invention of printing press and the Protestant Reformation, began to upend the previous property system (Atkinson and Fitzgerald, 2014:22).

Taking England as an example, “a well-organized collective of printers could position itself to harness the winds of change, and, like the new magnates of property and enterprise, seize the benefits of royal favour.” (Atkinson and Fitzgerald, 2014:27) In

<sup>1</sup> Plato: (427-347 BC) was a philosopher in Classical Greece and the founder of the Academy in Athens, the first institution of higher learning in the Western world.

<sup>2</sup> Aristotle: (384-322 BC) was a Greek philosopher and scientist.

<sup>3</sup> Aquinas: (1225-1274) was an immensely influential philosopher.

1557, Queen Mary of England issued a stationers' company<sup>4</sup> and gave the company monopoly rights for the licensing and printing of publications. The stationers claimed that only members of their company could print works. The stationers' copyright, conferred by registration, lasted indefinitely and thus a stationer who registered a book enjoyed monopoly printing rights for as long as he lived. The stationers' company extracted high profits because of their monopoly and they only distributed these profits to senior members of the company. After the Star Chamber<sup>5</sup> was abolished in 1641, the stationers' monopoly lost its shield. This ended limits on the number of domestic publishers and restrictions on book imports (Feather, 1994:50). In response, stationers found a new way to procure their profits, they encouraged authors to create (Atkinson and Fitzgerald, 2014:26). In 1709, and with claims of rampant piracy, stationers submitted a petition arguing that protection of literary property should be awarded to authors. It was reasoned that if authors' rights could not be protected then nobody would buy their work, which, it was argued, would dampen authors' enthusiasm to write and ultimately harm the public interest (Atkinson and Fitzgerald, 2014:27). In 1710, the Statute of Anne was enacted to institutionalize copyright protection.

From the above, we can conclude that the formation of copyright law in England was instigated by publishers and for authors in name only. This is because authors' lacked investment capital and in order to secure their daily subsistence they would sell their copyrights to publishers who then monopolized the production of the author's work. Marx divided the concept of "monopoly" into two phases: feudal monopoly and modern monopoly (Onimode, 1985:198). Feudal monopolies represent the early stage of monopoly because they appeared during the budding of capitalism and relied on privileges granted by feudal monarchies. These "privileges", like that granted to stationers in England, were a means of production under feudalism. Stationers depended on the Royal franchise publishing system to monopolize the means of production in their industry. In turn, stationers' monopoly control of printing and

<sup>4</sup> Stationers' company: received a Royal Charter in 1557. It held a monopoly over the publishing industry and was officially responsible for setting and enforcing regulations until the enactment of the Statute of Anne in 1710.

<sup>5</sup> Star Chamber: was an English court of law from the late 15th century to the mid-17th century in order to supplement the judicial activities of the common-law and equity courts in civil and criminal matters.

publication determined the way that lawyers defined literary property in the eighteenth century. Until later transformations of copyright law broke up this protection into multiple sets of exclusive rights, copyright holders possessed the same privileges as secured by the stationers: the exclusive right to print and publish a book (Atkinson and Fitzgerald, 2014:21). Evidently the modern legalization of copyrights is based on an unhealthy foundation from the very beginnings of copyright law history.

### **3.1.2. Classical Copyright Period: 1710 — 1886 Berne Convention**

The Statute of Anne was passed by the Parliament of Great Britain in 1710 and is a seminal moment in copyright history. It granted authors exclusive rights to their works for 14 years from the original date of publication and could be renewed for an additional 14 years. During the 150 years following the enactment of the Statute of Anne, governments around the world passed copyright laws that illustrated authors as figures of social value, deserving of reward (Atkinson and Fitzgerald, 2014:87). This can be found in America, where, inspired by the Declaration of Independence in 1776, the framers of the constitution drafted a copyright clause to grant Congress power to “promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” (Copyright clause, Article I, Section 8) The First Amendment, issued in 1791, reconfirmed these rights by declaring, “Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press” (The first amendment of America). The 1790 Copyright Act also declared that its primary purpose was to secure the benefit of authors and the public. As such, during the first industrial revolution, legislators extended the scope and term of copyright protections with the intention that these actions would primarily protect authors. The second industrial revolution witnessed an extraordinary surge of capitalist energies, led by new ‘captains of industry’ and supported by a willing middle class. (Atkinson and Fitzgerald, 2014:45) The surging capitalism affected authors’ ability to profit and maintain their social distinction. Even though the market for books expanded worldwide, authors’ rewards did not increase at the same rate as the surplus value of the expanded market, which was largely reaped by publishers (Atkinson and Fitzgerald, 2014:45).

Since legislators first acknowledged authors, signs of contradiction between authors and publishers have been in the making. Exemplifying this, after British writer Alexander Pope was corresponding with his colleague Jonathan Swift, Pope found that a Mr. Curl had published these letters without his permission. Not only that, writers in the 18th century, such as Edward Gibbon, David Hume and Rabbie Burns did not dare to reproduce or sell their works after they expired because publishers would release monopoly copyrights of authors works jointly. Any writer who published his work after the copyright expired would be given strict copyright restrictions from publishers. (Deazley, 2006:76) Publishers' exploitation of the authors' labour continued even when authors' rights have been acknowledged in law.

Using Marxist political economy theory to explain the exploitation of publishers we can observe that since books are a concrete object connecting authors-publishers and publishers-readers. So books can be used as a means to articulate the corresponding social relations. Firstly, how do publishers exploit authors? Authors produce books, and at this point a book's value is equal to the abstracted value of the author's labour. Marx's formula for surplus value reveals that surplus value is equal to the exchange value of a commodity minus the exchange value of labour power (Onimode, 1985:76). The most popular method all over the world for publishers to remunerate authors is copyright royalties. Generally speaking, authors get a ten percent royalty on each copy of the book sold. The rest of the ninety percent, minus a certain proportion for printing costs, labour costs and other costs, belongs to publishers as profit. Secondly, how do publishers exploit readers? First a book's selling price decided by publishers is much higher than the costs to print it. Publishers can guarantee a 30% profit margin for publishing one book in general (Li dan, 2006) and this extra wealth is what they take from readers. There is another way for publishers to exploit readers. Publishers expand the term of copyright protection over and over again, which delays readers' ability to access works in the public domain.

### **3.1.3. International Copyright Period: 1886 — Current**

The beginning of international copyright law dates back to 1886 with the signing of the Berne Convention<sup>6</sup>. This agreement marked the preliminary formation of a global system of copyright protection. The Convention was born out of the desire “to promote creativity by protecting the works of the mind” and to do so universally (WIPO Treaties, 2016). The Berne Convention created a minimum standard of protection by granting authors exclusive control over the uses of their works. It recognized the concept of copyright in artistic works, including pamphlets, drama, musical compositions, drawings, paintings, architecture, sculpture, geographical charts, lithographs and illustrations (Atkinson and Fitzgerald, 2014:51). The Berne Convention is still the fairest international agreement for copyright protection to date because it protect authors’ moral rights such as the right for authors to protect the integrity of their works. With the emergence of information technology and the development of international trade, the Berne Convention became out of date at the end of 19th century because it contains no clauses to protect digital works.

Brought into being in 1994, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), is an international agreement administered by the World Trade Organization (WTO) that lays out minimum standards for intellectual property regulation among WTO Members (Farah&Cima, 2009). Since the TRIPS Agreement is included in the framework of the WTO, it connects copyright protection to international trade. However, the TRIPS Agreement is a result of heavy concessions from developing countries and despite those developed countries have argued for even stricter international regulations for copyright protection. This impacts developing countries because it requires them to import advanced technology from developed countries, particularly when they are ordered to stimulate their economy in accordance with debt repayment schemes. A stricter international intellectual property protection

<sup>6</sup> The Berne Convention is an international agreement governing copyright, there were 14 original signatories to the agreement in 1886, such as British, France, Germany, Spanish, Italy and so on. America did not sign the agreement until 1989, since that would have required major changes in its copyright law, particularly with regard to moral rights, removal of the general requirement for registration of copyright works and elimination of mandatory copyright notice.



system will hinder their ability to sustainably develop and impose barriers, like saturated markets, against indigenous innovations.

Marx argued that the bourgeoisie and the proletariat are the two main classes in capitalist society. Marx made this division on the basis of access to the means of production. According to his theory, different classes have conflicting and competing interest claims. (Zhang liang, 2014) If we refer back to the historical formation of copyright law, we find that the bourgeoisie have always monopolized the means of production in knowledge dissemination. Increasingly throughout the international copyright period, the means of production have become based more on owning the rights to a particular work than about owning the technology to reproduce it. Demonstrating the battle waged by developed countries to protect their investments in intellectual property, the US believes their “economic losses in intellectual property rights achieve 60 billion dollars” (Chen Bochang, 1999:24) because of developing countries’ inadequate protection. While developing countries do not have as many intellectual property rights needing protection as developed countries do, they are being asked to assume the same obligations as developed countries, which would burden their national administrations and finances (Zhang liang, 2014). In a word, developed countries gain and developing countries loose, and the developed countries often profit from developing countries’ loses. This is the current structure of the international intellectual property protection system. Extending Marx’s claim that “economic base determines the superstructure” (Marx, 1867) from his domestic application, to international relations as seen through intellectual property protection, we can see that each country’s level of economic development very nearly determines their international status.

Plurilateral agreements are the latest means by which intellectual property protection has been internationalized. This strategy is led by developed countries and largely dominated by the US. Only a few developing countries, which have been assimilated by developed countries, have been included in these processes. The appearance of many plurilateral agreements is because of the US’s dissatisfaction with the TRIPS Agreement’s multilateral system (Susan, 2003:121). Although the TRIPS Agreement created minimum standards for copyright protection, developing countries still have some degree of autonomy with enforcement standards and other measures.

This has prompted developed countries to advocate for 'TRIPS-plus' agreements in order to strengthen enforcement measures as well as weaken restrictions and exceptions allowed by the TRIPS Agreement. Plurilateral agreements are the principal means to establish TRIPS-plus. The TPP (Trans-Pacific Partnership Agreement) and ACTA (Anti-Counterfeiting Trade Agreement) are two examples of plurilateral agreements. These plurilateral trade agreements and their intellectual property trade policies are furthering the extension of American and capitalist hegemony over world trade. A crucial impact of this is that America is requiring member nations of the TPP to expand the patentability and length of protection for most medications. This will delay sales of generic medicines and hinder access to essential medicines in developing countries (Xue Hong, 2012).

Class struggle is inevitable because class interests conflict. It is the bourgeoisie's nature to accumulate wealth, and this has occurred at the international stage in multilateral, bilateral and now plurilateral agreements. Developing countries were barely able to accept the minimum standards of the TRIPS Agreement, plurilateral agreements now represent what seems to be an insurmountable wall for them (Xue Hong, 2012). They will fight back. "Capitalism, imperialism and exploitation are worldwide, and thus, proletarian internationalism is the only effective response to imperialism's world-wide network." (Onimode, 1985:247) Protests are but one powerful example of what proletarian internationalism looks like in action. Meetings held to develop ACTA encountered protests from open access movements, privacy protection associations and consumer associations. These groups argue that ACTA invades citizen's privacy and harms their freedom of expression under the banner of cutting down piracy and counterfeit (Zhang Meng, 2012). ACTA is in the process of going through domestic approval by member states. This process has not gone well because demonstrations protesting ACTA have successfully targeted many European Union (EU) members. Not long after Poland declared they withdraw from the agreement, Bulgaria, Czech, Latvia, Lithuania, Slovenia and Holland withdrew as well. (Wu Lingli, 2012) This means ACTA will not take effect in any member of EU and it is because third world forces are uniting. This is but a minor victory and has done little to stop the imperialist advance of capitalist expansion. This advance, means that no matter what historical, domestic or international context working classes find their selves in, they need to assert their interests and

struggle for reform. Responding to these pressures a copyleft movement<sup>7</sup> has rapidly grown in recent years; and they are not the only ones to rise up and fight against the uneven copyright system, many political parties with an international presence have formed their own proposals to reform current copyright laws.

## **3.2. Contemporary Copyright Issues**

As a result of this history, contemporary copyright laws present several issues that could serve as direct motivation for copyright reform.

### **1. From Author Centre to Investor Centre**

After the second industrial (1870-1914) revolution, copyright systems became more commercial. The flourishing of capitalism has benefited the publishing industry more than it has authors. Authors were able to independently finish their works before, but as modern society demands more complex productions at a faster rate authors are made to cooperate with one another. The entailing divisions of labour increase creative and dissemination costs of production, which increases investor risk and limits the publishing industry to those with strong financial backing and marketing approach. (Wu Lingli, 2012) These trends build upon the historical formation of copyright laws that have primarily worked to enable capitalists to exploit authors. Once a company owns a copyright, they will control the production and distribution of that work and limit further innovations and additions to it.

### **2. Infinitely Extended Term of Copyright Protection**

The aim of securing limited protection terms was to respect and inspire authors' creative enthusiasm. This mechanism of set terms was used in the American constitution in order to "promote the Progress of Science and useful Arts", (Copyright clause, Article I, Section 8) by letting the public access to copyrighted works. These efforts were intended to protect authors' monopoly over their own products for a limited

<sup>7</sup> Copyleft Movement: social movement, fair use and creative common licenses are part of it.

time. In order to distribute their works however, authors transferred their copyrights to publishers. At that time a moderate term was all that was sought, but in publishers' attempts to cut their costs and increase their income, they have lobbied for extended terms of copyright protection over and over again. In 1710 the Statute of Anne stipulated the term of copyright protection as 14 years with an option to renew for another 14 years. In 1831, the term of copyright increased from a maximum of 28 years to a maximum of 42; in 1909 the renewal term was extended from 14 years to 28. Beginning in 1962, the term of existing copyright was extended eleven times in the last 40 years. After 1976, any works created were subject to only one term of copyright, the maximum term, which was the life of the author plus fifty years, or seventy-five years for corporations. (Lessig, 2004:102) According to Lessig, the public domain becomes orphaned by these changes to copyright law. In the past thirty years the average term has tripled and has gone from about 33 years to 95. The essence of prolonging the term of copyright protection is to prolong the duration which publishers can exploit the profit of a single work and is a means for publishers to engage in expanded reproduction.

### **3. Copyright is Becoming the Tool of International Trade**

We learned from the above section "International Copyright Period" that plurilateral agreements appeared as a result of the US's disappointment with the TRIPS Agreement. This is despite the fact that the agreement was already biased towards Americans and Europeans because they own most of the established copyrights in the world. The United States has a history of applying unilateralism to force other countries to agree with it and these plurilateral agreements, smaller than the multilateral TRIPS framework, provide the United States greater freedom to exert their interests (Wu Lingli, 2012). The high standards of these covenants, such as improving statutory compensation and strengthening customs inspections, is the main means for interest groups in developed countries to grasp huge profits. Plurilateral agreements are likely to result in increased American and European hegemony over world resources. Developed countries' huge profits come from their monopolization of intellectual distribution (Xue Hong, 2012). Once a plurilateral system forms, the US and other developed countries will increase the export price of medicine in order to grasp huge profits, then medicine prices will be too high for poor people in undeveloped countries to afford.

## **Chapter 4.**

### **Copyright Reform**

Responding to the historical class biases of copyright laws, a copyleft movement has developed in western countries. Creative commons licenses are the main tool of The Copyleft Movement, which aims to rein back the expansions of copyright terms over creative and intellectual productions. It is hard to request copyright reform for parties in office, because they may be controlled by interest groups who are invested in the current copyright laws. However, the public are turning to opposition parties to advance their demands for reform. The Green Party and the Pirate Party are both international political parties that propose distinct copyright reform policies. The following section traces the development of their histories, distinguishes their reform policies, and identifies their difficulties in realizing those proposals. The function and status copyright laws affect everyone in the world. They determine the public's ability to access knowledge, which ultimately hinders the progress of human society. If some obstacles exist in the way that people access knowledge, then all social forces should unite to remove them. Not only for justice, but also for civilization.

#### **4.1. What Has Already Been Done?**

##### **4.1.1. Creative Commons and The Copyleft Movement**

After the second industrial revolution (1870-1914), capitalism began to thrive and copyright law was firmly established. The complexities involved in the production of intellectual property drove authors to relinquish their copyrights to publishers. Since then, a steady trend from author centric to investor centric has emerged that to capitalize on their ownership of copyrights. Publishers have taken multiple measures to create new barriers to the public's access to, sharing of, and reuse of creative works.

Copyright law provides copyright holders with a set of exclusive rights to creative works, requiring readers to acquire a permission for every use of a work. According to Lessig, the initiator of Creative Commons, due to the existing of intellectual property right, a permissions culture is forming. A permission culture is the opposite of a free culture; in a permissions culture, creators and innovators are only able to create and innovate with the permission of creators of the past – whether they be powerful creators or not (Lessig, 2004:3) The cost of acquiring permission is a type of information cost. Information costs are the legal costs associated with securing a permission while using copyrighted works. Beyond the obstacles publishers created for public access to creative works, high information costs are another barrier for public to access copyrighted work. High information costs are also one of the reasons that possession of copyrights have shifted from authors to publishers. According to Niva (2006), one of the reasons for the high costs of information is the abstract nature of creative works. The absence of physical boundaries makes it difficult to determine in advance whether any property rights have been violated. The second reason for the high cost of information comes from the challenge of ascertaining the scope of the copyrighted object (Niva, 2006). Since copyright law protects expressions rather than ideas, the abstract ideas need be extracted from their representational expression. The legality of copying the plot of a novel or borrowing characters requires elaborate legal analysis. So the average user is hardly aware of what aspects of a work are protected, and is thereby left with the assumption that the entire work is protected (Niva, 2006). Publishers act as investors and monopolize the means of production and distribution through setting barriers and increasing information costs in the process of getting products to consumers. Although publishers do not acquire direct profits before they sell the works to consumers, it is an essential means for them to obtain profits later.

Creative Commons Licenses could confer the trend from author centric to investor centric approaches to copyright. The licenses were developed by an American non-profit organization devoted to expanding the range of creative works available for others to build upon legally and to share founded in 2001 (Creative Commons, 2016). Creative Commons Licenses relieve the trend by giving some control back to authors. However, the emergence of Creative Commons Licenses threatens the means by which publishers have attempted to assert their interests. As a licensing platform, Creative

Commons Licenses make it simple for authors to retain their copyright over their respective works, to specify as many uses of the work as they choose, and the means by which others may share the work. Creative Commons offers a core suite of six copyright licenses. The most basic one is BY which requires users to provide attribution (BY) to the creator when the material is used and shared. The other five licenses combine BY with one or more of three additional license elements: NonCommercial (NC), which prohibits commercial use of the material; NoDerivatives (ND), which prohibits the sharing of adaptations of the material; and ShareAlike (SA), which requires adaptations of the material be released under the same license (Creative Commons, 2016). It is also designed to meet the diverse preferences of authors, enabling them to choose any combination of terms of use to create a viral licensing scheme.<sup>8</sup> With these licenses, authors have more autonomy and control over their works in a manner that upholds the traditional copyright concern “to promote the progress of science and useful arts” (Copyright clause, Article I, Section 8). While making it easier for authors to avoid relinquishing their copyrights to publishers. Creative Commons License have an intimate connection with the Free Software Movement because many of the minds behind Creative Commons made important contributions to legal and philosophical consideration of the Free Software Movement before starting on the Creative Commons (Hill, 2005). As Free Software has succeeded in building a social movement for the idea of freedom in intellectual property, the popular use of Creative Commons Licenses is understandable. Creative Commons self-proclaimed mission is to help producers keep their copyrights or “some rights reserved” and invite certain reuses of their work (Creative Commons, 2016).

Similar to Creative Commons, The Copyleft Movement also comes from Free Software Movement. While Creative Commons Licenses are an extended edition of Copyleft Licenses, they are related but cover a different domain. Because most Copyleft Licenses are devoted to solve the specific problems of software rather than other areas of copyright products. Creative Commons Licenses can cover most of copyrighted works such as educational resources, photographs, databases, government and public sector information, and many other types of material with the exception of computer software

<sup>8</sup> See Creative Commons, Choose a license, at <http://creativecommons.org/license/>.

and hardware (Creative Commons, 2016). The goal of The Copyleft Movement is to return the original rationale of copyright law: the promotion of the progress of science (GNU, 2016).

The original spirit of The Copyleft Movement comes from Free Software Movement, which claims to “campaign... to win for the users of computing the freedom that comes from free software”. Differing from the spirit of free software, “copyleft” is a general term based off of “copyright”. It is a method to make a program free and requires additional versions to be free as well (GNU, 2016). In contrast to current copyright practices that help proprietary software developers take away users’ freedom, ‘copyleft’ uses copyrights to guarantee users’ freedom; which means a “copylefted” program must at first be copyrighted. While ‘copyleft’ is a general concept, the implementation of the concept is found in Creative Commons Licenses. There are two tools of The Copyleft Movement: “fair use” which is a policy under copyright law, and “Creative Commons Licenses” which are an application of copyright law. Lawrence Lessig, the founder of Creative Commons, characterizes it as a “fair use-plus” (Florisan, 2006). In the GNU project <sup>9</sup>, copyleft offers several distribution terms for software. The copyleft distribution of software within GNU contain the GNU General Public License, the GNU Affero General Public License (AGPL), or GNU GPL for short. This ensures that modified versions of software used to implement services available to the public are released as source code to the public. The GNU Lesser General Public License (LGPL) applies to a few (but not all) GNU libraries and the GNU Free Documentation License (FDL), which is a form of copyleft intended for use on a manual, textbook or other document to assure everyone the effective freedom to copy and redistribute it, with or without modifications, either commercially or non-commercially (GNU, 2016). All of the above licenses can easily be applied to copyrighted softwares as they include a copy of the license in the work and add notices in the source files that refer to the license.

Except to confer the trend from author centric to investor centric, the mix of above Creative Commons Licenses could bring another change for current copyright

<sup>9</sup> GNU: is an operating system and an extensive collection of computer software. The GNU project was the original focus of the Free Software Foundation.



system as well. Extending the term of copyright protection is another contemporary copyright issue. The term of copyright protection increased from 14 years in 1710 under the Statute of Anne, to a posthumous period of 70 years in the Berne Convention in 1886 in European Union and U.S., also in most countries the duration of copyright is at least 50 years after the author's death (Wikipedia, 2016). By prolonging the duration of copyright, publishers can further their financial exploitation of creative works. Creative Commons Licenses assume that authors want to share their creative works on more generous terms than publishers who will license permissions to reuse, modify and distribute their works to others (Niva, 2006). Actually the very existence of Creative Commons Licenses makes copyright protection terms nonsensical. Since authors choose to donate part rights of their creative works into the public domain rather than make profits, copyright protect term can't keep those donators within bounds so strictly.

#### **4.1.2. Why Creative Commons and The Copyleft Movement Are Not Enough**

Creative Commons seeks to bring about social change as demonstrated by the fact that they are a legacy of the Free Software Movement and The Copyleft Movement. But to solve the problems of the contemporary copyright system summarized in Chapter three, Creative Commons Licenses are far from enough. Creative Commons Licenses merely provide authors some control over their works, but this autonomy does not break down the power of publishers. The problem is that the licenses above leave the current copyright system unchallenged, it puts pressure on authors to drive change without requiring change from publishers. Creative Commons Licenses operate as a kind of compromise for authors who have been continually disadvantaged in the historical development of copyright law and the economic exploitation of such law. Viewed through a Marxist political economy theory lens, publishers monopolize the means of production in their relationship to authors' productive labour. However, the autonomy authors gain from Creative Commons Licenses benefit readers more than authors themselves, as they primarily enable users to freely distribute and use creative works, but do little to help authors make the money that copyright protection was designed to enable. So while Creative Commons Licenses help, the relationship between publishers and authors remains unbalanced.

The other problem of Creative Commons Licenses is a result of the fuzziness of their reform ideology, Niva (2006) had summarized Creative Commons' ideology as the following four points:

"1) Creativity relies on access to and use of preexisting works; 2) Copyright law creates new barriers to accessing works and becomes an obstacle for sharing and reusing creative works; 3) The high costs associated with the copyright regime affect individuals in particular, limiting their ability to access and reuse creative works; 4) Copyrights could be exercised in a way that would promote sharing and reuse" (Niva, 2006).

Creative Commons' ideology lacks a comprehensive vision of the information society and a clear definition of creativity and what makes it possible. As a result, several questions about Creative Commons have remained unanswered. What kind of access to preexisting works is necessary to facilitate creativity? What counts as 'accessible'? Does it have to be free of any legal restraints? Is it enough that works be widely disseminated? Could the work still be considered free if some restrictions are enforced?

Lessig summarized two stages of the envisioned social reform: the first stage focuses on the social norms and the second focuses on legal reform. Creative Commons Licenses have impacted social norms since a significant number of people have adopted Creative Commons' ideas. Legislative changes are harder to come by, however, because they should be made by the governments and as has evolved over a budding. The popular subscription to copyright law reform following the Free Software Movement and Creative Commons Licenses should inspire political parties to propose legislative changes. Two parties that have picked up this mantle include the Green Party and the Pirate Party. Even though neither the Pirate Party and the Green Party are in office, their proposals still symbolically represent the political legitimization of copyright reform movements.

## 4.2. Why Will Reform Come from the Left?

### 4.2.1. Left-Right Politics

The Pirate Party and the Green Party are international political parties, on the left of the political spectrum.<sup>10</sup> Policy making depends on a party's political ideology<sup>11</sup> and political philosophy.<sup>12</sup>

Depending on different political positions, which are based on political ideologies and political philosophies, the political spectrum could be divided into left-right axis (Ware, 1996).<sup>13</sup> The transition occurred in the early twentieth century when the terms began to be associated with specific political ideologies and were used to describe citizens' political beliefs (Gauchet, 1997).

Left wing and the right wing are opposed political stances. The right has always been associated with the interests of dominant classes, while the left represent marginalized economic or social classes (Lipset, 1960). Thus left seeks social justice through redistributive social and economic policies, while the right defends private property and capitalism. Left-wing values include the belief in the power of human reason to achieve progress for the benefit of the human race, secularism, sovereignty exercised through the legislature, social justice, and mistrust of strong personal political leadership (Knapp & Wright, 2001). On the other hand, the Right are skeptical about the capacity for radical reforms to achieve human well-being while maintaining the social value of workplace competition (Knapp & Wright, 2001). So the left has always been called "the party of movement" and the right been called "the party of order" (Roger,

<sup>10</sup> Political Spectrum: is a system of classifying different political positions upon one or more geometric axes that symbolize independent political dimensions.

<sup>11</sup> Political Ideology: Political ideology is a collection of ideas which related to the principles, doctrines of a party; it guides how a party is organized and in which tactics it chooses to achieve its political goals.

<sup>12</sup> Political Philosophy: Political philosophy refers to a party's general view, specific ethic, political belief or attitude.

<sup>13</sup> Left-right: Even though the terms "left wing" and the "right wing" are so common in the contemporary United States, lots people do not know that the "left" and "right" terms first appeared in French Revolution of 1789, when "left" and "right" were not hint at political ideology.

2001). In this context, it is unsurprising that two left wing parties propose copyright reform.

#### **4.2.2. Left Wing Parties**

There is a consensus among researchers who study the left-right political spectrum that the right politics includes capitalists, conservatives, monarchists, nationalists, neoconservatives<sup>14</sup>, fascists, neoliberals, reactionaries, racists, imperialists, right-libertarians, social authoritarians, religious fundamentalists and traditionalists (Paxton, 2005). Conversely, left-wing politics includes anarchists, communists, socialists, progressives, anti-capitalists, anti-imperialists, believers in civil rights, democratic socialists, greens, left-libertarians, social democrats and social liberals (Clay, 2015). The term of left-wing can also be applied to range of movements such as the civil rights, feminist, anti-war, environmental and copyleft movements. The Pirate Party and the Green Party can be said to be left-wing parties, because they devote themselves to “changing the world”. The “left-wing” nature of two parties can be confirmed not only in their political ideology and political philosophy but also in their historical formation.

The Pirate Party is a label adopted by political parties in different countries. There are over 70 Pirate Parties globally. The first Pirate Party was found in Sweden by Rickard Falkvinge in 2006. Falkvinge was inspired to found the party after he found that Swedish politicians were generally unresponsive to Sweden's debate over changes to copyright law in 2005 (Anderson, 2009). The growth of the Pirate Party is partially on account of a police raid of Piratebay<sup>15</sup>. Piratebay is a place where visitors can search, download and contribute magnet links and torrent files, which facilitate peer-to-peer file sharing among users of the BitTorrent protocol (Peckham, 2013). During this period, media attention began to focus on the issue of digital piracy. On May 31, 2006, Piratebay servers were seized by the Swedish police in a massive raid (Norton, 2006).

<sup>14</sup> Neoconservatives: (commonly shortened to neocon) is a political movement born in the United States during the 1960s among Democrats who became disenchanted with the party's domestic and especially foreign policy.

<sup>15</sup> The Pirate Bay: is an online index of digital content of mostly entertainment media, founded in 2003, where visitors can search, download and contribute magnet links and torrent files, which facilitate peer-to-peer file sharing among users of the Bit Torrent protocol.

After the raid, many Piratebay users took to the streets and protested the raid, which increased the international attention on and membership in the Pirate Party (Li, 2009). Since the Pirate Bay raid is the direct reason for building the Pirate Party, the pirate spirit has deeply rooted in the policies of Pirate Party. Today the Pirate Party has several international organizations, such as the Pirate Parties International (PPI) and the European Pirate Party (PPEU). Although each of these parties' policies varies, there are some common themes in the Pirate movement including freedom of information, reform of copyright law, abolishment of patent systems, respect for the right to privacy etc. The Swedish Pirate Party has one seat in the European Parliament of the European Union, and they represent the third largest political party in Sweden based on membership. The German Pirate Party achieved 2 percent of the popular vote in the last parliamentary elections and the French Pirate Party got 2.08 percent in French local elections (Pirate Party, 2016).

The Green Party, like the Pirate Party, is an international Party. There are now over 100 Green political parties worldwide now (Green Party, 2016). The first national Green Party in the world was started in the early 1970s in New Zealand. It began taking shape in the western world and has accomplished minor electoral victories in many countries. Similar to the international Pirate Party, the Green Parties also have their global organization as found in the Global Green Network (GGN)<sup>16</sup> and Global Green Coordination (GGC).<sup>17</sup> At recent Global Green Congress was held in 2012, when there were more than 600 Greens from 76 countries attended Dakar (Global Greens, 2016). The Green Party comes from a political ideology called Green politics which shares many ideas with the deep ecology, conservation, environmentalism, feminism, pacifism, anarchism, libertarian socialism, social democracy and peace movements. Beyond ecological issues green politics also concern civil liberties, social justice, nonviolence, variants of localism and some social progressivism (Wall, 2010:12).<sup>18</sup> The fundamental political ideology of the Green Party comes from the modern green movement started in

<sup>16</sup> GGN: is composed of three representatives from each Green Party.

<sup>17</sup> GGC: composed of three representatives from each Federation.

<sup>18</sup> Social Progressivism: is a philosophy based on the idea of progress, which asserts that advancement in science, technology, economic development, and social organization are vital to improve the human condition.

Vancouver Canada and around the world in the 1960s when the counter-culture movement launched the first mass rejection of consumer culture. The Green Party even hosts conferences on copyright policy, which they invite representatives of the creative sector, such as writers, artists, musicians, illustrators, and composers to attend (Global Greens, 2016).

### **4.2.3. Far Left and Centre Left**

While both parties are on the left, they occupy different places on the political spectrum. The terms of “centre left” and “far left” are necessary to compare the two parties’ reform proposals. The spectrum of left-wing politics ranges from “centre left” to “far left”. Centre left includes social democrats, social liberals, progressives and some democratic socialists and greens, and is largely a position within the political mainstream. Far left, also known as ‘the extreme left’ is much more radical than centre left, and is known for its “anti-establishment” character. Marxist communists, democratic socialists, populist socialists and social populists are usually described as part of the far left (March, 2008).

It is generally accepted that the the Green Party belongs to the centre left. Although the Pirate Party has proposed a series of radical experiments in government transparency, direct democracy, digital privacy and copyright reforms, they have never self—consciously placed themselves on the left-right political spectrum, let alone centre left or far left. In the analysis below I will use the Green Party’s policies on copyright reform as means by which to judge the radicalness of the Pirate Party and their positions. The deciding factor in left or right, centre left or far left positioning is not the purpose of this research, but it could help us to better understand the copyright reform polices proposed by two parties based on their political platform and strategy. With the deeper insight of such rationale could we know which direction we should invest more effort in to push forward the current copyright reform. Even though the Green Party and Pirate Party have different political platforms, political orientations, their positions on copyright reform can be used as a point of comparison.

## **4.3. How Would Copyright Reform Going?**

### **4.3.1. Why Look at These Two Parties?**

The Pirate and the Green Parties provide a window into political reform from both the left and far left. The Pirate Party's emergence from copyright infringement issues makes it a reform place to begin the analysis. Even though the Pirate Party developed into a political party later, intellectual property issues are the core subject of the Pirate Party. The class background of Pirate Party supporters is another important reason to choose it as lots membership of Pirate Party are young people are jobless and under 35 years old. Those young people love and believe in total freedom and self-interest without rules which character coincidence with the pirate's spirits. The founder of the Pirate Party, Rickard Falkvinge, was a victim of copyright law, and almost all of the followers or party members are young people who are disappointed with the current copyright system because they do not have extra money left for the high copyright fee after paid for the necessary living expenses. Therefore they vote for copyright reform. The characteristic of Pirate Party's membership determines their proletariat class attribution. The proletariat class attribution determines their copyright reform policies to some extent. The emergency nature and the proletariat attribution make Pirate Party a firm believer in copyright reform, which determines the Pirate Party as a good case study. The first reason I choose the Green Party is because of its political philosophy. Since the Green Party is concerned about issues like libertarian socialism, social democracy and peace movements, its political spectrum is much left than other international parties. Another reason is the political power it has harnessed around the world, legal reform needs strong political background power as well. Even though the Green Party has not formed government in any nation-state as yet, the Green Party is still much stronger than the Pirate Party. Concerning about the copyright issue and stronger than the Pirate Party in politics are two reasons for the Green Party be one of my cases.

Although both parties at different places in spectrum, have different demographics, have different levels of legitimacy and have a different groups of supporters, they also share many similarities in copyright reform policies. The emerging of Green Party is much earlier than the Pirate Party. The global scale of Green Party is

much bigger than Pirate Party as well. Even though they have so many difference, they still have some common proposals on intellectual property issues. Li (2009) argues that “[t]he rising of the Piratpartiet [Swedish Pirate Party] has mirrored that of the Swedish Green Party” because they are both concerned about the copyright reform issue and they have suffered a lot to assert the changes they want to make. I read through their official websites in detail for their official polices and I found out the dominant copyright law both parties oppose is based on the Copyright Clause of the United States Constitution. In addition to comparing the two party’s policies I have conducted a review of academic literature about the background, the historical development, the political ideology and the policy factors of the two parties. I have also emailed the two parties with their head office about specific questions regarding their public platforms.

## **4.3.2. Policies of Two Parties**

### **4.3.2.1 The Pirate Party**

The Pirate Party always emphasizes that they want to reform rather than abolish copyright. Pirate Parties globally share similar copyright reform proposals, which are filed by the Pirate Party International (PPI), but some of them, such as Pirate Party of Canada, or Pirate Party of Iceland, have their own policies which differ slightly different PPI’s proposal. The main proposal for copyright reform can be summarized into five points:

#### **1. No Changes to Moral Rights**

The moral right means the right to be recognized as the author and author’s right to say no if he feels harmed. The Pirate Party would like to strengthen the moral rights of copyrighted authors and separate them from economic considerations. “An artist has the right to have their work attributed to them when used by another where it is reasonable to do so unless this right is waived by the artist” (PPI, 2016). For example, if somebody has taken a picture of his county’s flag over a beautiful landscape, and some neo-nazis uses it on their web page, he should be able to have the picture removed by referring to his moral rights.



The question of moral right is closely connected with the first contemporary copyright issue from authors to publishers. This proposal may pull the copyright system from being centred on publishers back to the authors. The Pirate Party's copyright reform proposal for strengthening the moral rights of authors shows their respect of authors's creative labour. To some extent, getting back to the author through strengthening moral rights could reinvigorate creative enthusiasm of creators as well. Also, the rationale of copyright law "to promote the progress of science and useful arts" (Copyright clause, Article I, Section 8) can't be reached without respecting the moral right of authors. Most authors have given up their copyrights to publishing companies to establish a relationship of employment. Because the publishing companies such as Hollywood will change a script's structure or purpose according to the taste of commercial culture and author's 'original idea' is often dismissed.

## 2. Free Non-commercial Use

The Pirate Party claims that "[t]o share copies, or otherwise spread or make use of somebody else's copyrighted work, should never be prohibited if it is done non-commercially and without a profit motive; like, for example, file sharing" (PPI, 2016). The implication behind this proposal is that PPI thinks that the copyright law never bothered the ordinary people merely twenty years ago. Copyright rules about the exclusivity on the production of copies intended for commercial uses such as to print books or press records. Citizens do not need to worry about being punished under copyright law even if one copies a poem or records songs off the radio to a cassette as a gift. But today, with the perfection of the legal system, copyright law restrictions are so serious that ordinary people may find trouble in their every-day life. Similar to the "No Change to the Moral Rights" reform policy, the policy of free non-commercial use also helps the current copyright system return back to a focus on producers rather than owners and investors. Once it is non-commercial use, investors can't get benefits, then investors will return the permission right to authors. Not only part of the Pirate Party's copyright reform proposal, free non-commercial use is also included of the Creative Common licenses as mentioned above. "Non-Commercial means not primarily intended for or directed towards commercial advantage or monetary compensation" (GNU, 2016).

The meaning and value of “Free Non-Commercial Use” become clearer when analyzed through Marxist political economy theory. Because copyright law guarantees for publishers a monopoly of the means of production in the intellectual distribution process, the commercial value of copyrighted works is the guarantee for publishers to monopoly the means of production during the publisher-reader process. Once the Pirate Party is in office, proposal for free non-commercial use would diminish the commercial value of the means of production in intellectual distribution process. At the same time, the use value of copyrighted works would be realized more fully without the threshold limits that come from the social monetary measures. The reproduction of social wisdom and progress can be more efficient as well, because public do not need to pay for copyright then in order to access to intellectual.

### 3. Ten Years of Commercial Exclusivity

“We want to shorten the protection time to something that is reasonable from both society’s and an investor’s point of view, and propose ten years from publication” (PPI, 2016). The Pirate Party thinks that current copyright protection term-life plus 70 years-is absurd. Even though today’s entertainment industry is built on the commercial exclusivity of copyright works, no publishers would show interest in any business case which required over 70 years for the investment to become profitable. Therefore, shorten the term of copyright protection seems more feasible cause it would decline the time costs without commercial value for publishers.

Shortening copyright protection terms aims at the second copyright issue: the infinitely extended term of copyright protection. Because “shorter copyright will encourage artists to keep on creating new works and will allow new art forms, such as mash-ups; and will stop businesses from relying on large back-catalogues rather than investing in new content” (Pirate Party of Canada, 2016). A moderate term of about 10 years could allow publishers to get a return on their investment and keep some profits, but it could reduce publisher’s exploitation of authors as well.

### 4. Free Sampling-Codified “Fair Use”

The Pirate Party wants the public to be able to “create new works out of existing ones” (PPI, 2016). They view legally as current restrictive copyright legislation and

practices have become a major obstacle to musicians, film makers, and other artists who want to create new works by reusing parts of existing works. To this extent, such restrictions could be enumerated in the law when one wants to limit certain forms of commercial adaptations, like for example translations of new literature or the use of new music in films (PPI, 2016).

This proposal is similar to the free non-commercial use one, but its purpose is to benefit those artists who want to create new works based on the exists ones. It is like reproduction of intellectual property, but here, it means to add new artists and increase the total amount of human knowledge. The Pirate Party of Canada claims that they are anti-monopoly, because monopolies prevent works, tools, and ideas from being freely used, expressed, exchanged, and recombined (Pirate Party of Canada, 2016). The Pirate Party wants to restore copyright law to its origins and make sure that unauthorized commercial uses can be charged. But to share copies for fair use or make use of someone's copyrighted works without a profit motive and do non-commercially use should not be prohibited.

## 5. A Ban on DRM

Pirate Party proposed a ban on DRM<sup>19</sup> technologies in consumer legislation because they think that “there is no point in having our parliaments introduce a balanced and reasonable copyright legislation, if at the same time we allow the big multinational corporations to write their own laws, and enforce the through technical means” (PPI, 2016). The Pirate Party believes that the public needs to be protected from products that can be remotely turned off by the big multinational corporations. It is not reasonable that products can stop working if those big multinational corporations go bankrupt.

This proposal is Pirate Party's response to the digital age. Behind the times is an important reason for copyright law to reform because intellectual technological innovations enable infringement of copyright law which started in steam age to be much

<sup>19</sup> DRM: Digital Restrictions Management, schemes are various access control technologies that are used to restrict usage of proprietary hardware and copyrighted works. DRM technologies try to control the use, modification, and distribution of copyrighted works as well as systems within devices that enforce these policies.

more easy and frequent. A ban on DRM technology could help to protect developing countries' profits in international trade. Developed countries export products with high science and technology, most of time, they rent out the end product or the right to use in a limited period to developing countries. Developing countries need to relet the right once it expired or developed countries would active their Digital Locks Provision if a DRM mechanism is stored inside the products. It is unfair for the developing countries in this international free trade system, because they export daily products which have low additional values on it. Take China who is considered as the world's factory as an example, millions of T-shirts export to developed countries exchange a boeing aircraft. So Pirate Party's reform proposal could help to build a more equal world trade system.

#### **4.3.2.2 The Green Party**

The Green Party have a Global Greens Network but there is no policy statement on its official website, so I choose the policy statement posed on Green Party of UK website as my mainly research resource, because the statement on UK website is more thorough than other counties' Green website. The issues that concern the Green Party are more broad ranging than the Pirate Party's, including: animal rights, climate change, energy, food and agriculture, pollution and health so on. As such, policies specific to the copyright reform are not at core of their platform, but do appear in their positions on intellectual property. For the Green Party, the term intellectual property covers a number of different areas, such as cultural products, software, physical inventions, drugs and natural entities protected by different means such as copyright, patents and trademarks (Green Party, 2016). There are differences within and between these areas, and there can be no single intellectual property policy. The Green Party's copyright reform program, includes proposals to allow more people to participate in cultural creation, shorten copyright protection term, liberalize fair use policies to operate outside the academic environment, bring the copyright law up to date to reflect the demands of the digital age, support the struggling of artists and so on. I have merged some overlapped policies and divide them into the following four points:

1. Shorten Copyright Protection Terms

The Green Party would generally shorten patent terms and relate them to the timescale of innovation in the industry concerned. The current policy statement is to “make copyright shorter in length, fair and flexible, and prevent patents applying to software” (Green Party, 2016). This is different from the Green’s previous manifesto to “introduce generally shorter copyright terms, with a usual maximum of 14 years” (Brown, 2015). Many authors protested the terms after the statement was released, because they think the Green Party wants to take away their source of income. Following this, the Green Party made changes to the current proposal of undistinguished term limits. The spokesmen of the Green Party claimed:

“We would consult with copyright holders and the general public to establish an appropriate length, but believe copyright terms should be shorter than they are at present in order to reduce restrictions on our shared cultural heritage. Though our long-term vision includes a proposed copyright length of 14 years, we have no plans to implement this in the near future.” (Brown, 2015)

This experience demonstrates how copyright reform confronts many unpredictable difficulties, it is a lengthy effort to change the world. But, the same as the Pirate Party’s “Ten Years of Commercial Exclusivity” proposal, the Green Party realized the urgency and unfairness of the long term of current copyright protection term. It prevents publics to get access to creative works.

## 2. Extending the Scope of “Fair Use”

Fair use is legal doctrine that permits limited use of copyrighted material without acquiring permission from the rights holders. Although there are four pertinent factors lists in U.S. statute to be considered as fair use:

“1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; 2. the nature of the copyrighted work; 3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; 4. the effect of the use upon the potential market or value of the copyrighted work” (U.S.C., 1982).

But if a work is made upon consideration of all the above factors, it shall not be considered as fair use. So most of the time, fair use prevails in academic environment. And fair use is friendly to many high-tech businesses such as search engines and the

software development, but it is crucial to non-technology industries such as insurance, legal services, and newspaper publishers.

On September 12, 2007, the Computer and Communications Industry Association (CCIA) released a study that found fair use benefits were the equivalent of \$4.5 trillion in annual revenue for the United States economy representing one-sixth of the total US GDP (CCIA, 2007). Nearly one out of every eight American jobs is in an industry that benefits from the fair use in 2007. The conclusion of this study is that “we must keep fair use as one of the cornerstones for creativity, innovation and, as today’s study indicates, an engine for growth for our country” (CCIA, 2007).

The Green Party wants to extend the scope of fair use policies to operate outside the academic environment, and to liberalize all published copyright material created in the public sector (i.e. maps, government publications, university research). They also advocate for the legalization of peer to peer file sharing where it is not done as a business and make it available to the public free of financial restrictions, distributed in open standard formats, and crown copyright would cease to exist (Green Party, 2016). The Green Party proposes to extend the scope of fair use from the current fair use environment to all non-commercial use. Although it is not as challenging as shortening copyright terms, this move would break the fence of copyright law quietly and validly because it could extend the population range without disturbing the vested interests a lot.

### 3. Abolishing TRIPS Agreement

The Green Party would seek to “abolish the TRIPS Agreement” and “transform WIPO<sup>20</sup> into a body that would help poor countries to acquire the knowledge required to develop on an ecologically sustainable basis” (Green Party, 2016). As part of the proposed dissolution and replacement of the WTO, the requirements of the convention on biodiversity must take precedence over trade rules for all aspects of IP that are ecologically sensitive, including seeds, genes and other life forms (Green Party, 2016). The Green Party would impose a national ban and seek an international ban on the

<sup>20</sup> WIPO: World Intellectual Property Organization.

patenting of living material. Making it “impossible to patent broad software and cultural ideas” (Green Party, 2016).

This proposal directly targets the international trade issues of the current dominant copyright system. Even though plurilateral agreements rather than the TRIPS Agreement are the latest development international trade contracts, the TRIPS Agreement still serves as the root basis for current inequalities in the world trade system. It effectively legalizes developed counties’ exploitation of developing nations through its minimum standards. Abolishing the TRIPS Agreement would help developing countries acquire more advanced technologies and thus enable them to take part in global trade more equitably.

#### 4. Restricting Anti-Monopoly

The Green Party claims that they would restrict the value of claims for intellectual property violations to a proportion of the monetary gained by the commercial exploitation of the offending user, and not allow damages (Green Party, 2016). Copyright law empowers patent holders a monopoly over the use and distribution of their work for a set period. This monopoly power eliminates unauthorized use of a work during the protection term. In Marxist economy theory monopoly markets are argued to generate monopoly prices. There is another reason for explaining the high price of copyrighted intellectual property, which comes from the increasing information costs associated with licensing copyright materials in recent years. For instance, the right to prevent unauthorized access to works in digital format, the expansion of copyright protection to cover more subject matter, extended duration and additional rights, all operate to reduce the volume of works that are freely available to build upon (Niva, 2006). All of those costs have been added to users.

#### **4.3.3. Comparing Two Parties’ Policy**

In order to reveal the two parties’ policies and compare their common copyright reform clearly, I decide to make a table to exhibit their policies in brief.

**Table 4.3.3: Pirate Party and Green Party’s Copyright reform policies compare**

	<b>Pirate Party</b>	<b>Green Party</b>
<b>Terms of Copyright Protection</b>	Ten Years of Commercial Exclusivity	Shorten Copyright Protection Term
<b>Moral Right</b>	No Changes to the Moral Rights	None
<b>Non-Commercial Use</b>	Free Non-commercial Use Free Sampling-Codified “Fair Use”	Extending Scope of “Fair Use”
<b>International Trade Issue</b>	Mentioned in A Ban on DRM	Abolishing TRIPS Agreement
<b>Anti-Monopoly</b>	None	Restricting Anti-Monopoly
<b>Digital Age</b>	A Ban on DRM	None

In the following analysis, I select, pair and compare similar proposals proposed by the two parties, specifically those policies addressing the same problems in the current copyright system. Since Green Party’s political position is centre left, the policies proposed by the Green Party could be considered as an axis to judge the political position of the Pirate Party. If the Pirate Party’s policies are much more radical than the Green Party’s, the Pirate Party locates in far left or it is centre left or centric.

#### 1. Non-Commercial Use

Current copyright law on non-commercial use is mainly covered under “fair use”, but the disposal right on non-commercial use of copyrighted works relates to society’s attitude. Extending the scope of non-commercial use means to reduce the copyright field publishers could control.

The Green Party’s statement about fair use of copyrighted works is mainly “to encourage to extend the scope of fair use policies to operate outside the academic environment” (Green Party, 2016) and “legalizing the peer to peer file sharing where it is not done as a business” (Green Party, 2016). The Pirate Party’s corresponding proposals are the “free non-commercial use” and “free sampling-codified ‘fair use’”. If we compare the policies just from the angle of language, we find that Pirate Party’s policy is more clear and precise. The Pirate Party put “non-commercial” and “extending the fair use” separately, which leads to more detailed definitions and propositions. Besides the separate expression, the Pirate Party writes that fair use should be used even to “create new works out of existing ones” (PPI, 2016) and provides a thorough explanation for



each policy that describes why the Pirate Party proposes this policy and in which circumstances these policies would be applied. The Green Party just mentioned that the fair use scope should be extended, but did not mention why and how the scope should be extended. The same can be said for their non-commercial peer to peer file sharing. From the above analysis we can draw the conclusion that the Pirate Party is much more “left” than the Green Party on non-commercial implications of copyright reform.

## 2. Terms of Copyright Protection

The term of copyright protection is crucially important among copyright reform proposals because the length of protection relates to the monopoly profits copyright holders can obtain. The longer the term is, the longer right holders’ monopolization of the means of production of intellectual property and terms of distribution. The current copyright law prolongs the protection term to author’s life plus 70 years which the Pirate Party argues “is absurd”. Stating one’s stand on copyright protection term issue clearly can help publics understand one’s reform determination better.

The Pirate Party’s reform position on terms of copyright protection is to “shorten the protection time to something that is reasonable from both society’s and an investor’s point of view, and propose ten years from publication” (PPI, 2016). There are two points in this sentence: the first point is to shorten term into 10 years, which they think is reasonable; the second point shows their overall consideration for society and publishers which means their current proposal about copyright terms takes commercial needs into consider. The Green Party’s statement has changed over time, from the original expression of “introduce generally shorter copyright terms, with a usual maximum of 14 years” (Brown, 2015). Confronted by protests from writers, the Green Party compromised and changed their statement to “make copyright shorter in length, fair and flexible, and prevent patents applying to software” (Green Party, 2016). The Green Party deleted the concrete term expression. The Green Party’s compromise comes from their centre left political position. The Pirate Party’s proposal is a driving type, the Green Party’s proposal is a passive type. On term issues, the Pirate Party is to the left of the Green Party.

## 3. International Trade Issues

The Pirate Party does not have a clear and definite reform policy for international trade issues. But in their “a ban on DRM” policy, they explain that “there is no point in having our parliaments introduce a balanced and reasonable copyright legislation, if at the same time we allow the big multinational corporations to write their own laws, and enforce the through technical means” (PPI, 2016). Multinational corporations in developed countries should not restrict and hinder the development of developing countries through technical means. To some extent, the Pirate Party’s “a ban on DRM” could relieve multinational corporations’ exploitation of poor countries. The Green Party has a very specific proposal on international trade issues: “abolishing TRIPS agreement” and “restricting anti-monopoly”. The Green Party thinks that ecological sensitive and the justice should take precedence rather than the trade rules. The WIPO should build a copyright system which could “help poor countries to acquire the knowledge required to develop on an ecologically sustainable basis” (Green Party, 2016). Since the current TRIPS Agreement is not fair for poor countries, it should be abolished. The Green Party would like to impose an international ban on the patenting of living material such as the culture ideas and the software (Green Party, 2016). Their “Restricting anti-monopoly” proposal could relief the international trade problems as well. Since copyrights are a form of patent monopolization, mostly conducted by developed countries, these actions create new barriers to developing country’s access to intellectual property. A ban on global monopolies would reduce the extent of exploitation imposed by developed countries. So the Green Party’s policy is more detailed and more specific on international trade issue than the Pirate Party.

After the comparative analysis above we find that the Pirate Party’s proposal is further left than the Green Party’s proposal on “non-commercial use” and “term of copyright protection” issues, but not in “international trade issues”. The Pirate Party also addresses the moral right of copyright law and the copyright restriction technology in digital age, which the Green Party is silent on, reinforcing our conclusion that the Pirate Party is further to the left than the Green Party on copyright reform. But we can’t judge that the Pirate Party is “far left” on copyright reform, even though they were subject to a massive police raid in 2006. The left-right political analysis framework coincidences with Marxist political economy theory as well. This is because Marx’s research about radical republicanism and utopian socialism are forces within left-wing politics. As I claimed

before, the judgement of “far left” or “centre left” is not the purpose of this comparative analysis, the arduousness and protractiveness of copyright reform is the only reason to do this comparative analysis. The centuries long formation of copyright law reminds us that reform can success only when radical parties are firm in their determination for change.

## Chapter 5.

### Conclusion

Any innovation in the current intellectual property system means overturning the theoretical basis of the old one. The theoretical basis for current copyright law draws from centuries of copyright law formation, historical process that could be considered as part of neoclassical economics. Different from Marx's critical theory of political economy, "[n]eoclassical economics proposes that value derives not from labor, but from consumer 'tastes and preferences'" (Babe, 2009: 14). In order to satisfy consumers' preferences and pursue commercial interests, publishers simplify the issue of knowledge production in their commodification of material for batch production. In this process "the rightness or justness of consumer sovereignty is seldom questioned, nor are the nature and composition of consumer tastes and preferences assessed" (Babe, 2009: 15). In retort, Marxist political economy theory informs us that publishers' copyright enabled monopoly over the means of production and the processes of knowledge production and distribution is built upon the exploitation of authors and readers. The two political parties' reform policies discussed above devote themselves to challenging this unequal relation between publishers and authors and undermines the hegemonic status of publishers with their reform proposals.

In the argument above I explained how Marxist political economy theory relates to copyright. I used this to organize the reasons for innovating current dominant copyright law from the angle of copyright law formation history. These reasons were described in relation to the status of some social movements such as The Copyleft Movement and Creative Commons, and their efforts to benefit publics in intellectual property areas. Lastly I followed up this discussion by introducing two international political parties, the Pirate Party and the Green Party, and their reform policies on copyright law; comparing their policies within the boundaries of left-wing politics. In this

concluding chapter, we still have two questions to explore: are the efforts above enough for current copyright reform? will copyright reform succeed?

## **5.1. Are Those Efforts Enough for Copyright Reform?**

Except for the first chapter, all of the above chapters addressed the questions ‘why should we reform?’ and ‘are current efforts enough for the current copyright reform?’ For me, the answer is yes for both two questions, but ‘yes’ comes from the established political movements rather than from the social pressures found in The Copyleft Movement and Creative Commons.

The reason why I believe that ‘yes’ comes from political party’s policies rather than from The Copyleft Movement and Creative Commons is because of the radical proposals of the political parties. These two parties’ reform policies are more advanced and innovative than Creative Commons Licenses and The Copyleft Movement for two reasons. The first one is the political nature of these parties, a political party’s reform policies have the potential to initiate legislative reform, so it is more likely that they, rather than social movements, will bring real change. The second point is in the kinds of changes they offer. Different from Creative Commons’ change simply offering authors more autonomy, most political parties’ reform policies are aimed at changes from publishers rather than authors. So changes from political parties are more direct, powerful, and effective, in addressing the original unfair structure of copyright law. Political party’s copyright reform policies therefore provide a real opportunity to bring change to current issues.

The reasons why reform may come from political party’s reform policies includes the following. Both the Pirate Party and the Green Party respond to the three contemporary copyright issues—from author protection to publisher protection, infinitely extended terms of copyright protection, and copyrights as a tool of imbalanced international trade. Even if the two parties’ policies differ from each other, they still have something in common. The Pirate Party’s three reform policies—No Changes to the Moral Rights, Free Non-commercial Use and Free Sampling-Codified “Fair Use”—help to relieve authors from needing to relinquishing their copyrights to publishers. Their Ten

Years of Commercial Exclusivity policy addresses the infinitely extended terms of copyright protection. These solutions to current developments in copyright law also impact international trade as indicated in A Ban on DRM. The Green Party's Extending Scope of "fair use" empower authors' control over the use of their works, Shorten Copyright Protection Terms challenges the infinitely extended term of copyright protection, and lastly their Abolishing TRIPS Agreement is a response to the unjust conditions of international trade. Other copyright reform policies such as banning DRM, and Restricting Anti-Monopoly also aim to solve additional issues in the current copyright system.

## **5.2. Will Parties Succeed at Reforming Copyright?**

Since the content and form of political parties' efforts are enough to address the need for copyright reform the question remains if these parties might ever succeed at reforming copyright. The answer to this question covers two considerations: the feasibility to realize proposed changes and the possibility for the two political parties to come into power.

To answer the first question, I will momentarily assume that the two political parties could come in power. In order to figure out the feasibility of realizing the proposals, I select three aspects of reform policies: non-commercial use, terms of copyright protection, and international trade issues.

### **1. Non-Commercial Use**

The Pirate Party has two policies related to non-commercial use, the "free non-commercial use" and the "free sampling-codified 'fair use'". The Green Party has one such policy, "extending the scope of 'fair use.'" The explanation of these policies are: "[t]o share copies, or otherwise spread or make use of somebody else's copyrighted work, should never be prohibited if it is done non-commercially and without a profit motive; like, for example, file sharing" for "free non-commercial use" (PPI, 2016). The key point of "free sampling-codified 'fair use'" is "when one wants to limit certain forms of commercial adaptations, like for example translations of new literature or the use of new music in films" (PPI, 2016). "extending the scope of 'fair use'" means "to liberalize all published

copyright material created in the public sector and the legalization of peer to peer file sharing where it is not done as a business” (Green Party, 2016). After reading the statements above, we find that the non-commercial use proposed by the two parties is an upgraded version of fair use. Increasing the operation rate and reducing the use threshold of fair use in real life are policy appeals for “non-commercial use”. As such, these policies are relatively easy to achieve because the legal existence of fair use. Also, I think the “non-commercial use” policy is the first change that might happen. Fair use is recognized by copyright holders and some large publishing groups even though they are reluctant to admit and put it in irons with dirty tricks. But it is usually easier to unlock slipknot rather than to unlock the latch.

## 2. Terms of Copyright Protection

The Pirate Party proposes a “ten years of commercial exclusivity” policy. The Green Party’s proposal changed from “a usual maximum of 14 years” (Brown, 2015) to “make copyright shorter in length” (Green Party, 2016). In my opinion, changes on terms of current copyright protection will be difficult to realize, as can be perceive in the Green Party’s own shifting stance. The Green Party adjusted their manifesto on copyright terms after confronted by protests from authors who think copyright needs strengthening, not weakening because a period of only 14 years would, in their opinion, not allow them to fully benefit from their work (Eyre, 2015). Political parties’ abilities to withstand pressures is influenced by two aspects: political determination and political state. After all, expressions of discontent from voters like, “I think I’m especially angry about this Green policy because I now have even less idea who to vote for. I only know who I’m not voting for” (Eyre, 2015) could affect the political state of Green Party. However, political party compromises make us step further from realizing copyright reform.

## 3. International Trade Issues

“A ban on DRM” and “abolishing TRIPS Agreement” are two reform policies proposed by Pirate Party and the Green Party to address international trade. Both policies target multinational corporations and he status of independent sovereign states. Take “a ban on DRM” as example, those who use of DRM technology are multinational corporations who try to control the use, modification, and distribution of copyrighted works for their own monetary benefit. It is difficult to persuade tigers to eat grass rather

than meat. Abolishing the TRIPS Agreement seems fiendishly hard at the present stage because the TRIPS Agreement is a part of the legal framework of the World Trade Organization. The WTO has 164 members as of July 2016 (WTO, 2016), and signing TRIPS is a mandatory requirement for WTO Member States. The Green Party needs to accomplish a major feat of persuasion at the WTO, which, if successful, will require multiple voting procedures all of which present opportunities for uncertain outcomes.

The second question is whether these two political parties could ever come in power? It is really hard to judge whether they could hold office or not. Except for the policies they propose on political issues, there is still the complicated external political environment that cannot be calculated. Since both the Pirate Party and the Green Party are international political parties, their political status in different countries are different. Parties may do well in their early stages of development, but loose support over time. Focusing on Sweden as an example, a police raid propelled the Pirate Party to media prominence and boosted their membership by thousands to pass the membership of the Green Party of Sweden in 2008, but these memberships have not translated into votes in successive elections. The Pirate Party only took a total of 0.4% of the vote in the 2014 general election, remaining under the required amount to gain a seat, but was still the biggest party outside of Parliament in terms of their membership<sup>21</sup>. The Green Party of Sweden saw increases in their membership when advocating for women's rights, peace, environmentalism, and antinuclear sentiments in the 1970s. However, despite high initial polling, voter turnout was very low and the GPSw failed to achieve the four percent necessary to gain representation within Parliament<sup>22</sup>. This is a problem that both parties have faced, not only in Sweden, but around the world.

Even though the efforts presented in the fourth chapter are enough for challenging current copyright systems, it still hard to say copyright reform will ultimately succeed. But if we do not move in the direction of reform, the public's access to intellectual work will become more and more difficult. These results cannot be measured

<sup>21</sup> "Val till Europaparlamentet - Röster". *val.se* (in Swedish). Valmyndigheten. 2016-04-30. Retrieved 2016-05-15.

<sup>22</sup> Ursula Mueller, A History of the Swedish Greens, <http://www.greens.org/sr/13/13-08.html> (last visited April 23, 2016).



in purely economic terms. Even if the road to reform is beset with difficulties, we must continue to persevere.

## References

- Anderson, N., (2009). Political pirates: A history of Sweden's Piratpartiet. *Ars Technica webpage*, 25 Feb. 2009. Retrieved from: <http://arstechnica.com/tech-policy/2009/02/rick-falkvinge-is-the-face/>
- Atkinson, B., & Fitzgerald, B., (2014). *A short History of Copyright*, (pp.19-87). London: Springer International Publishing Switzerland.
- Babe, R. E., (2009). *Cultural Studies and Political Economy— Toward a New Integration*, p.14-15, USA: Lexington Books.
- Bettig, R. V. (1996). *Copyrighting culture: The political economy of intellectual property*. Boulder, Colo: Westview Press.
- Brown, K., (2015). Authors Criticise Green Party Plan to Reduce Copyright to 14 Years. *The Telegraph webpage*. Retrieved 15 June 2016 from: <http://www.telegraph.co.uk/culture/books/booknews/11557810/Authors-criticise-Green-Party-plan-to-reduce-copyright-to-14-years.html>
- CCIA webpage, (2007) Fair Use Economy Represents One-Sixth of US GDP. *CCIA webpage*. Archived the original on April 15 from: <http://www.cciagnet.org/artmanager/publish/news/>
- Chen Bochang, (1999). The Strategy of Intellectual Property. *Intellectual Property of International*, 1999 (10), 87-91
- Clay, R., (2015). *The Bill of the Century: The Epic Battle for the Civil Rights Act*, p. 168. New York: Bloomsbury Press.
- Creative Commons webpage (n.d.). Retrieved 5 July 2016 from: <https://creativecommons.org/faq/#what-are-creative-commons-licenses>
- Deazley, R., (2006). Rethinking Copyright: History, Theory, Language. *Osgoode Hall Law Journal*, pp: 436-442. Vol/Issue: 45 (2), Date: Jul 1, 2007.
- Eyre, C., (2015). Authors Rail Against Green Copyright Proposals. *The Bookseller webpage*. Archived the original on August 2 from: <http://www.thebookseller.com/news/authors-rail-against-green-copyright-proposals>

- Farah, P. D., & Cima, E., (2009). China's Participation in the World Trade Organization: Trade in Goods, Services, Intellectual Property Rights and Transparency Issues. *EL COMERCIO CON CHINA: OPORTUNIDADES EMPRESARIALES, INCERTIDUMBRES JURIDICAS*, pp. 83-121, Aurelio Lopez-Tarruella Martinez, ed., Editorial Tirant le Blanch, Valencia (Spain), 2010. Available at SSRN: <http://ssrn.com/abstract=1527992>.
- Feather J., (1994). *Publishing, Piracy and Politics—An Historical Study of Copyright In Britain*, (pp.50). New York, N.Y: Mansell.
- Gauchet, M., (1997). "Right and Left". In Pierre Nora, Lawrence D. Kritzman (Eds.), *Realms of memory: conflicts and divisions*, P. 255-259. New York: Columbia University Press.
- Global Greens webpage (n.d.). Retrieved 15 June 2016 from: <https://www.globalgreens.org/news/dakar-congress-wrap>
- GNU webpage (n.d.). Retrieved 4 July from: <https://www.gnu.org/licenses/copyleft.en.html>.
- Green Party webpage (n.d.). Retrieved 10 June 2016 from: <https://policy.greenparty.org.uk/ec.html>
- Hill, B.M., (2005). Towards a Standard of Freedom: Creative Commons and the Free Software Movement. *Creative Commons webpage*, June 29, 2005. Retrieved from: [http://mako.cc/writing/toward\\_a\\_standard\\_of\\_freedom.html](http://mako.cc/writing/toward_a_standard_of_freedom.html)
- Knapp, A., & Wright, V., (2001). *The government and politics of France*, p. 9. New York: Routledge.
- Lessig, L., (2004). *Free Culture-How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*, (pp. 1-103). New York, NY: The penguin press.
- Li Dan, (2006). Inside Story of Ten Profiteering Industry. *Finance People Website*. Retrieved 19 April from <http://www.finance.people.com.cn/GB/1046/4079062.html>.
- Li, M., (2009). *The Pirate Party and the Pirate Bay: How the Pirate Bay Influences Sweden and International*. Copyright Relations, 21 Pace Int'l L. Rev. 281 Available at: <http://digitalcommons.pace.edu/pilr/vol21/iss1/8>
- Lipset, S. M., (1960). *Political man: the social bases of politics*, P. 222. NY: Doubleday.
- List of countries' copyright lengths. Retrieved 2016-07-23 from the List of countries' copyright lengths Wiki: [https://en.wikipedia.org/wiki/List\\_of\\_countries%27\\_copyright\\_lengths](https://en.wikipedia.org/wiki/List_of_countries%27_copyright_lengths)

- March, L., (2008). *Contemporary Far Left Parties in Europe*, p. 3. Berlin: Friedrich-Ebert-Stiftung. ISBN 978-3-86872-000-6.
- Niva, Elkin-Koren, (2006). Creative Commons: A Skeptical View of a Worthy Pursuit. *THE FUTURE OF THE PUBLIC DOMAIN*, P. Bernt Hugenholtz & Lucie Guibault, eds., Kluwer Law International, 2006. Available at SSRN: <http://ssrn.com/abstract=885466>
- Norton, Q., (2006). Secrets of the Pirate Bay. *Wired webpage*, Aug. 16. 2006. Retrieved from: <http://archive.wired.com/science/discoveries/news/2006/08/71543?currentPage=all>
- Onimode, B., (1985). *An Introduction to Marxist Political Economy*, (pp.26-247). London: Zed Books.
- O'Rourke, & Maureen, A., (2003). A Brief History of Author-Publisher Relations and the Outlook for the 21st Century. *Journal of the Copyright Society of the U.S.A.*, Page: 425-426. Vol/Issue: 50 (1-4), Date: Jan 1, 2003.
- Paxton, R. O., (2005). *The Anatomy of Fascism*, p. 128. New York: Knopf.
- Peckham, M., (2013). How The Pirate Bay's Anti-Censorship 'PirateBrowser' Works: A Customized Version of Firefox Claims to Throw Off Censorship Shackles. *Time webpage*. Retrieved 10 May 2016 from: <http://techland.time.com/2013/08/12/how-the-pirate-bays-anti-censorship-piratebrowser-works/>
- Pirate Party International webpage (n.d.). Retrieved 14 July from: <http://www.piratepartyinternational.net/>
- Pirate Party of Canada webpage (n.d.). Retrieved 14 June 2016 from: <https://pirateparty.ca/2013/04/20/reduce-copyright-terms/>
- Roger, B., (2001). *Labour's European Dilemmas: From Bevin to Blair*, p. xxvi. New York, NY: Palgrave.
- Susan K. Sell, (2003). *Private Power, Public Law: The Globalization of Intellectual Property Rights-Life after TRIPS: Aggression and Opposition*. Cambridge, CB2 2RU: Cambridge University Press.
- U.S. Code § 107 (1982) - Limitations on exclusive rights: Fair use, Retrieved 2016-07-23 from: <https://www.law.cornell.edu/uscode/text/17/107>
- Wall, D., (2010). *The No-Nonsense Guide to Green Politics*, pp.1-12. Toronto: New Internationalist.
- Ware, A., (1996). *Political Parties and Party Systems*. Oxford: Oxford University Press.

WIPO Treaties webpage (n.d.). Retrieved 20 April from:  
<http://www.wipo.int/treaties/en/general/>

WTO webpage (n.d.). Retrieved 2 August from:  
[https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm)

Wu Lingli, (2012). The Influence of the Interest Groups on Copyright Institutional Change and the Legislation Research. *A Thesis Submitted for the M.A. Degree in Law in Central China Normal University*. Retrieved 16 April from: <https://vpn.cuc.edu.cn>.

Xue Hong, (2012). Extension of Plurilateral Agreement in Intellectual Property Protection System. *Jinan Journal (Philosophy and Social Sciences)*, pp.43-50. Vol/Issue: 2012(6), Date: July 1, 2012.

Zhang Liang, (2014). Research on Marx's Class Analysis Theory. *A Thesis Submitted for the M.A. Degree in Law in Jiangxi Agricultural University*. Retrieved 20 April from: <https://vpn.cuc.edu.cn>.

Zhang Meng, (2012). Forum Shifting and Propulsion Strategy of International Protection for Intellectual Property Rights. *Intellectual Property*, pp.80-89. Vol/Issue: 2012(12), Date: July 17, 2012.