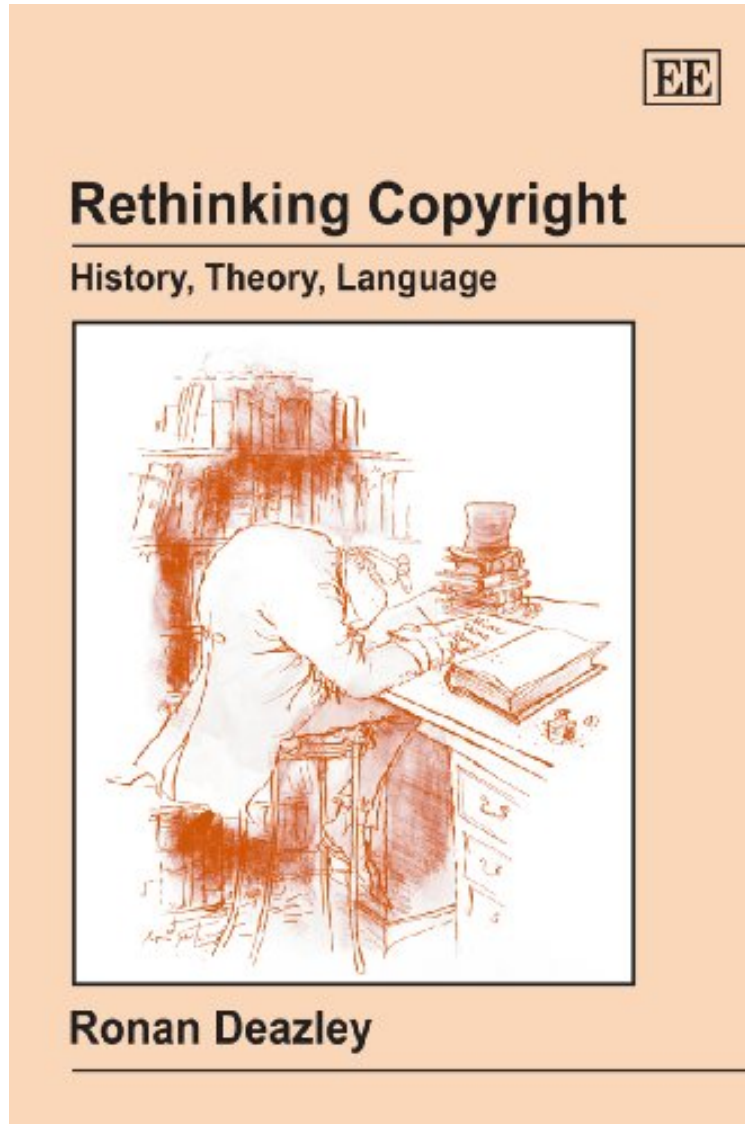


(Free download) Rethinking Copyright: History, Theory, Language

# Rethinking Copyright: History, Theory, Language

Ronan Deazley

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**Ronan Deazley : Rethinking Copyright: History, Theory, Language** before purchasing it in order to gage whether or not it would be worth my time, and all praised Rethinking Copyright: History, Theory, Language:

1 of 1 people found the following review helpful. Proof that copyright is an unnatural privilegeBy C. FitchRethinking copyright does not so much rethink copyright as provide evidence of how the thinking of copyright has mutated over the years and has effectively become rethought. Only by implication does it really suggest that consequently the reader or society should therefore rethink whatever understanding they had concerning copyright - whether better to accord

with its ancient instigators, or perhaps to reform it anew in a new digital age. Deazley spends the first half of the book, chapters 1-3, presenting detailed detective work with considerable citation and reference to a well researched historical record in order to show that successive legal treatises have been so selective (I can only conclude as negligence bordering upon dishonesty and commercial bias), they have steadily transformed the well understood natural right of an author to their secrets INTO the author's 'natural right' to govern the use of their secrets even after disclosure - and after they have clearly ceased being secrets. Copyright now governs the individual. That it was once intended to govern a select few fortunate enough to own printing presses is a vestigial curiosity. The foundation Deazley so painstakingly arrives at is this: copyright is not, and never has been, a natural right to be protected by common law. In the second half of the book, chapters 4-6, Deazley begins the process of proposing at least better attention to language, if not its reformation. He discusses the concept of the public domain, and because the public domain has now been enclosed by a vastness of copyrighted works (that some insist remain within their author's private domain - despite publication), Deazley sees fit to invent a new term, the 'Intellectual commons', and what was once the private domain is now termed the 'Undisclosed domain'. Published works now fall into overlapping 'public domain' and 'copyright protected' areas. If you need evidence that all is not as some lawyers would have you believe, then you'll find it in this book. If you wish to understand how the present law has become such a distorted interpretation of its original incarnations you'll have eminent pointers. This is an abridged version of my review here:[...]

'Two books in one, the first half of this manifesto offers a contrarian account of eighteenth and nineteenth-century English copyright history; the second contributes to the burgeoning rhetoric of the public domain in contemporary copyright scholarship. Deazley contends that, contrary to the common wisdom, common law copyright never existed in the eighteenth-century, but was a concerted creation of nineteenth-century treatise writers. He may not convince us that common law copyright was a myth, but he does compellingly demonstrate that, like the mythical giant Antaeus, whenever common law copyright seemed beaten down to the ground, it rose again with renewed force. He also persuades us that it may be a Herculean task to strangle the life out of the impulse, historical or otherwise, to believe that authors' labors justify the contemporary default setting of the positive law in favor of proprietary rights. The second half, calling for reconceptualization of copyright as a derogation from the 'public's freedom to engage with' works of authorship will surely provoke disagreement from many readers knowledgeable about copyright, but Deazley is an apt expositor of this increasingly popular trend in the legal academy.' - Jane C. Ginsburg, Columbia University School of Law, New York, US

Copyright law remains hotly debated with the public domain contested territory. Ronan Deazley brings some welcome sanity to the discussion by revisiting the history of UK copyright law with a fresh eye and also by exploring the theoretical justifications for intellectual property in light of recent scholarship. The roles of rhetoric and legal writing in constructing copyright paradigms are the particular target of Deazley's critique. This is a provocative and challenging book which deserves a wide audience.' - Simon Stokes, Blake Laphorn Tarlo Lyons and Bournemouth Law School, UK

I have just finished reading Ronan Deazley's manuscript. It's a very enjoyable, readable book. As to content, I found it interesting, carefully researched, wide in scope, and thought-provoking - even where I didn't agree with his conclusions.' - Catherine Seville, Newnham College, Cambridge, UK

This book provides the reader with a critical insight into the history and theory of copyright within contemporary legal and cultural discourse. It exposes as myth the orthodox history of the development of copyright law in eighteenth-century Britain and explores the way in which that myth became entrenched throughout the nineteenth and early twentieth centuries. To this historical analysis are added two theoretical approaches to copyright not otherwise found in mainstream contemporary texts. Rethinking Copyright introduces the reader to copyright through the prism of the public domain before turning to the question as to how best to locate copyright within the parameters of traditional property discourse. Moreover, underpinning these various historical and theoretical strands, the book explores the constitutive power of legal writing and the place of rhetoric in framing and determining contemporary copyright policy and discourse. Ronan Deazley's book will be of interest to academics and practitioners of law and intellectual property. The work should also be of interest to those working in alternate disciplines such as literary and cultural theorists and bibliographers.

Contents: Introduction; 1. History I: 1710-1774; 2. History II: 1774-1854; 3. History III: 1854-1912; 4. Theory I: What Copyright Isn't. . . or, Conceiving the Public Domain; 5. Theory II: What is Copyright?. . . or, The Case for Intellectual Property Freedoms and Privileges (And in That Order); 6. Conclusion; References; Index

'Rethinking Copyright is a small gem for an audience broader than copyright and intellectual property scholars, and well worth acquiring by a variety of general, corporate, law and academic libraries.' --- Laurence Seidenberg, International Journal of Legal Information

All histories are about the present, not the past. Histories of copyright are no different: the pitched battles today over the nature of copyright frequently re-create a mythical past to shore up support for a partisan present. Deazley's Rethinking Copyright is a must have book for those who care about getting things right. Rethinking Copyright carefully reviews the critical formative years of statutory copyright (1710-1912), and then masterfully ties this foundational period to the current culture wars. It is a tour de force to be savored and returned to over and over again.' --- William Patry, Senior Copyright Counsel, Google Inc., New York, US

This

excellent book raises again the controversial issue of whether we can learn anything - and, if so, what - from revisiting our past.' --- Jeremy Phillips, ipkat.com About the Author Ronan Deazley, School of Law, University of Birmingham, UK