

# Global Media Sharing: New Intellectual Property Challenges

Image of anime “What’s with the customers today?” removed for copyright reasons.

Ian Condry

Foreign Languages and Literatures

# A “culture of piracy”?

## Intellectual property arms race

- Multiple generations of peer-to-peer software
  - Napster (peer-to-peer)
  - Kazaa (decentralized)
  - Bit Torrent / eDonkey (swarm downloads)
  - 4th generation . . . (anonymity?)
- Entertainment industry responses
  - lawsuits against companies, consumers
  - spoofed files, encryption of CD and DVD
  - education, advertising
  - experiments with legal online distribution

# P2P is majority of Internet traffic

- P2P traffic outpaces Web traffic from 2003
- P2P traffic growing steadily despite lawsuits

Graph of Internet Protocol Trends 1993-2004 removed for copyright reasons.

Source: CacheLogic “P2P in 2005” report (accessed 9/18/05)

<http://www.cachelogic.com/research/p2p2005.php>

# Rosemary Coombe (1996)

*"The Cultural Life of Intellectual Properties"* (Duke)

- "The mass-produced, media-circulated cultural form accrues social meaning in a multiplicity of sites, but legally the meaning of a text is produced at a mythic point of origin." (8)
- "The law freezes the play of signification by legitimating authorship" (8)

# Lawrence Lessig (2004)

## *Free Culture*

- "Big media uses technology and law to lock down culture and control creativity."
- All media industries were born of piracy (film, recorded music, radio, cable TV)
- Copyright law once targeted publishers, but
- in Internet era, everything online is technically a copy, and falls under copyright

Image of Samurai Champloo from  
[www.anime-station.org](http://www.anime-station.org) removed for  
copyright reasons.

TV broadcast in Japan began May 2004

# Must-Download TV

Image of AnimeStation removed for  
copyright reasons.

Image of Samurai Champloo from  
[www.anime-station.org](http://www.anime-station.org) removed for  
copyright reasons.



Image of Samurai Champloo from  
[www.anime-station.org](http://www.anime-station.org) removed for  
copyright reasons.

Samurai Champloo official website, 9-05

Image of Samurai Champloo 24  
Translation notes from [www.anime-station.org](http://www.anime-station.org) removed for copyright reasons.

# DVD

# Fansub (AonE)

Images of Samurai Champloo DVD  
and Fansub (AonE) from  
[www.anime-station.org](http://www.anime-station.org) removed for  
copyright reasons.

# DVD

## Fansub (AonE)

Images of Samurai Champloo DVD  
and Fansub (AonE) from  
[www.anime-station.org](http://www.anime-station.org) removed for  
copyright reasons.

# US and Asia dominate P2P

Graph of Internet Mix of P2P Traffic Volume by Region removed for copyright reasons. Source: CacheLogic “P2P in 2005” report (accessed 9/18/05) <http://www.cachelogic.com/research/p2p2005.php>

# Video dominates P2P

**Mix of Traffic by P2P Network**

Graph of Mix of Traffic by P2P Network  
removed for copyright reasons.

# Industry fears illegal copies

Image of Ad in *Oricon*  
Jan. 2003 removed for  
copyright reasons.

But Sony and Avex announce Sept. '04 that  
they will stop using "copy control CDs."

# US lawsuits effective?

- Fewer report downloading, but traffic still grows
- iTunes shoppers, etc. are increasing at the same time

Image of Graph of P2P  
Undeterred: Since August '03  
Illegal P2P Music Downloads  
Have Held Steady Despite Growth  
of Legal Services (Billboard, May  
2004) removed for copyright  
reasons.



# Many cultures of sharing/piracy

- Music fans
  - not so much sharing in Japan c.f. the US
  - fans hate “industry,” but will support artists
  - legal services grow even as sharing increases
- Anime fans
  - fewer lawsuits, more self-policing by fans
  - e.g., remove links once DVD is released in US
  - a desire to “support anime culture”

# Discussion

- 1) Does it make sense to talk of a "Japanese approach to copyright"? How are "cultures" and "copyright" related?
- 2) As scholars, what should our position be regarding copyright? How do we balance the ease of E-Reserves, online PDFs of articles, electronic databases and so on with publishers' financial concerns and questions of author's control of their work?
- 3) Should there be limits on the ways that publishers and media companies can enforce copyrights? If so, what would be the basis for such limits?
- 4) If both technological innovation (e.g. iPods) and popular culture (music, anime) are growth industries for Japan, what principles should guide policy?
- 5) Should teaching popular culture provide a safe haven for use of copyrighted materials? What uses are "fair use"?

MIT OpenCourseWare  
<http://ocw.mit.edu>

21G.067J / WGS.608J Cultural Performances of Asia  
Fall 2005

For information about citing these materials or our Terms of Use, visit: <http://ocw.mit.edu/terms>.