

ExeMXrethinking Copyright History Theory Language

R. Deazley

Rethinking Copyright R. Deazley, 2006 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 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 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 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

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