

TRACING THE COPYRIGHT STAKEHOLDERS: *FROM THE RENAISSANCE TO RADIO GOO GLE*

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Copyright law confers an artificial, quasi-monopoly on a vast range of creative works ranging from works of high authorship such as literature and symphonies to banal works such as shopping catalogues and advertising jingles. Many theoretical and (so-called) empirical reasons are offered as to why there is a need for such a wide umbrella of protection. The following are a sample of the nature of those justifications: natural and/or human rights of authors; incentives and rewards for authors and producers; prevention of theft of property; regulation and promotion of a competitive market for knowledge goods; and prevention of market failure by non-production

Irrespective of the various theoretical justifications, copyright law, especially with the advent of digital copyright law, has not been particularly kind to authors. Nevertheless, a fundamental role of copyright law has always been ostensibly to balance the competing interests of the 3 main stakeholders that each new technology inevitably disrupts and then recalibrates: the author, the investor and the consumer.

Since the 15th century, copyright law has attempted to strike a precarious balance between market regulation of technologies (the Venetian statutes), competition and market entry (Statute of Anne 1709-1710), rights of authors (and their heirs) to monetary remuneration (Talfourd Act 1814), rights of authors to non-monetary benefits (Article 6*bis*, Berne Convention), noble societal aims (preamble to the Statute of Anne, and Article 1.8, US Constitution) and specific consumer rights (private, educational, research and other uses found in national laws). In relation to the publishing industry, for instance, the author, the investor (stationer/printer/publisher) and the consuming society have both lost and gained with the introduction of every new technological advance such as paper, printing, typography, reprography and finally digital technology. The same is true in the entertainment industry where copyright law has been press-ganged to play the mediator in a ménage a trois involving the Artiste, the Entertainment Industry and the Consumer. This relationship, represented often by the equation of “*copyright* goods in exchange for money,” is only possible today with copyright law. The law begets the property.

Every technology creates a new set of conflicting stakeholders. Technology simultaneously disrupts but also restores some kind of balance between these parties. So, while technological revolutions have invariably been greeted by howls of hysteria from the copyright owners, time and reason restore the equation of "copyright goods in exchange for money." A mapping of copyright law shows the different times in which different technologies have interrupted the status quo between these three groups of stakeholders. Indeed, copyright law is merely the accepted conduit by which the author, investor-producer and consumer negotiate access and pricing of goods.