

## Index

27B Stroke 6, See Threat Level analog copying, 29-30, 41, 75 analog hole. See analog content, 321 Studios, 94-96 321 Studios v. Metro Goldwyn Mayer re-digitization of Studios. See 321 Studios Anderson, Chris, 128 Annenberg School for Communication at academics. See scholars actors (film). See artists/creators the University of Pennsylvania, xv Adams, Tom, 195 Anti-Counterfeiting Trade Agreement AddThis, 137, 139 (ACTA), 174-176, 177-178. See also Korea-U.S. Free Trade Adler, Allan R., 47 Adobe Systems, 62, 139, 140 Agreement (KORUS); Trans-Pacific eBook software, 66 Partnership (TPP); treaty Photoshop, 162 ratification, international; treaty Advanced eBook Processor, 66. See also ratification, Senate Aoki, Keith, 67 Sklyarov, Dmitry agenda setting, 14 Apple, 3-4, 34, 62, 164, 167-169, 211 Akester, Patricia, 164 appointed policymakers. See also AllYourVideosHere, 181-183, 184 Copyright Office; Patent and Amazon, 168 Trademark Office (PTO) America Online (AOL), 52 citizen communication with, 218. See American Assembly at Columbia also internet: citizen-policymaker University, 153 communication via American Association of Law Libraries, 77 comparative presence across media, American Censorship Day, 198 154-155 American Civil Liberties Union (ACLU), 64 congressional hearing participation by, American Library Association, 77, 138, 97 copyright stances by, xvi, 98 139, 141, 145, 156 American Library Association v. FCC, 74, online communication by, 132, 137 press coverage of, 110-114 American Society of Composers, Authors, relatively minor role in copyright played and Publishers (ASCAP), 81, 141, by, 18 ArsTechnica, 145 2.00 American University, 41, 178. See also artists/creators Aufderheide, Patricia; Jaszi, Peter; as exemplars for SC coalition, 39, 201 Program on Information Justice and authorized free/promotional distribution Intellectual Property by, 188 analog content, re-digitization of, 74 copyright stances by, 141



230 Index

Association for Computing Machinery Beverly Hills, 172 (ACM), 156 Billboard, 114-117, 125, 141 Association of Research Libraries, 77 Bimber, Bruce, 16 attention backbone, 143 BitTorrent, 59 Attorney General, 185, 194 blogs. See internet attorneys. See lawyers/legal associations Blu-ray discs, encryption on, 73, 162, 165, audio flag. See broadcast flag: audio 169, 170 BoingBoing, 142, 144–145, 209–210 Audio Home Recording Act (AHRA). See also Digital Audio Tape (DAT); Bono, Sonny, 67 Serial Copy Management System Boucher, Rick, 10, 54-56, 71-72, 93-95, (SCMS) 113, 117, 170-172. See also Digital arguments opposing, 35-36 Millennium Copyright Act arguments supporting, 30, 35, 36 (DMCA): Boucher's proposed contents of, 10, 33 alternative to; Digital Millennium Copyright Act (DMCA) reform debate leading up to, 33, 35-36, 53-54 ease of passage, 8, 35-36, 93 proposals boyd, danah m., 140 exemptions for computer equipment and software, 33 Boyle, James, 39, 40, 67 historical significance of, 8, 33-36 Breaux, John, 93 market effects of, 34-35 Bricklin, Daniel, 163 broadcast flag Aufderheide, Patricia, 16, 210 Australia, 176 audio, 79-81 authorized free/promotional distribution. DTV, 10, 15, 74, 113 See artists/creators: authorized industry negotiations around, 75-77 free/promotional distribution by policy process surrounding, 18, 74-81, authors. See artists/creators 113, 129 Authors Guild, 195 technological basis of, 76 authors/creators Broadcast Music, Inc. (BMI), 4, 81 as exemplars for SC coalition, 96, 195 Broadcast Protection Discussion Group as exemplars for SFU coalition, 177 (BPDG), 76 authorized free/promotional distribution Bronfman, Edgar Jr., 169 Brooks, Daniel T., 163 by, 125, 148 Avengers, 7 Brown, Gordon, 169 Brunei Darussalam, 176 Band, Jonathan, 163 bureaucrats. See appointed policymakers bands. See artists/creators Burns, Conrad, 93 Barlow, John Perry, 68 Business Software Alliance (BSA), 47, 117, Barton, Joe, 73-74, 78, 94, 153, 172, 179 129, 140, 156 Baumgartner, Frank R., 12, 217 Bel Air, 172 Cahn v. Sony Corp., 33 Benkler, Yochai, 136, 143, 213 Canadian copyright law, 173-174 Bennett, Douglas, 67 case study. See political history Berkman Center for Internet & Society at CATO Institute, 143 Harvard University, xvi, 125, 128, CBS Records, 31 136, 137, 139, 141, 144 CD Baby, 141 Bertelsmann Music Group (BMG). See censorship. See also Stop Online Piracy Act Sony/Sony BMG (SOPA): censorship as alleged goal or result of Best Buy, 73 best practices in fair use. See codes of best takedown notices used for, 52 practices in fair use Center for Democracy and Technology, 125, 128, 138, 139, 195, 211 Betamax, 35, 71



Index 231

Center for Internet and Society Cyberlaw media consumption using, 33-34, 79, Clinic at Stanford Law School, 51. 165-166, 170 property rights in, 94, 166 See also Stanford Center for Internet and Society takedown notices generated by, 52 Cerf, Vint, 139 Computing Professionals for Social Chadwick, Andrew, 216 Responsibility, 156 Chamber of Commerce, 143 Congress. See also congressional hearings; House Committee on Energy and Chile, 176 Chilling Effects Clearinghouse, 98, 138, Commerce; House Committee on 139 the Judiciary; House of Representatives; Senate; Senate China, 173 circumventing/circumvention. See Audio Committee on Commerce, Science, Home Recording Act (AHRA); and Transportation; Senate broadcast flag; Digital Millennium Committee on the Judiciary Copyright Act (DMCA); Digital access to and clout within, 8, 31, 56 Millennium Copyright Act (DMCA) citizen communication with. See reform proposals; digital rights internet: citizen-policymaker management (DRM) communication via citation analysis, 21, 121 comparative presence across media of Clinton, Bill, 43, 165 members of, 154-155 CNet, 60, 145 congressional hearing participation by codes of best practices in fair use, 210 members of, 97 copyright stances by members of, xvi, 3, Cohen, Jacob. See effect size Cohen, Julie, 67 43, 54-56, 60, 92-95, 98 Colbert Report, 189 deference to industry-negotiated Colorado State University (CSU), xv solutions, 35, 54, 93 Columbia University. See American division of duties within, 12 Assembly at Columbia University lack of understanding of technology, 39, Combating Online Infringement and Counterfeits Act (COICA), press coverage of members of, 110-113 185-186, 193-195, 208 congressional hearings. See also Congress Comedy Central, 189 access to, 86 communication scholars/scholarship, balance of copyright viewpoints in, 19, xv-xvii, 13-14, 16, 20, 68, 210, 98-100, 150-153 215-219. See also content analysis; methods for studying, 86 political communication; scholars methods of studying, 20, 21, 23 purpose of studying, 17, 23, 86 Communications Daily, 114-117, 125 sector representation in, 38–40, 48, 67, Communications of the ACM, 154 Computer & Communications Industry 96-98, 101-102, 138, 154-157 Association, 53, 195 strategic purposes for holding, 86 Consumer Broadband and Digital computer industry. See technology sector computer science/scientists. See encryption: Television Promotion Act. See Hollings Bill (Consumer Broadband research into computers. See also Audio Home and Digital Television Promotion Recording Act (AHRA): exemptions Act, S) for computer equipment and Consumer Electronics software Association/Consumer Electronics compromised by digital rights Manufacturers Association, 53, 78, management (DRM), 167 156, 195, 202 ease of circumvention using, 162 Consumer Electronics Daily, 114-117, IP addresses as representing, 182-183 125



232 Index

Consumer Project on Technology, 125, 128 Consumers Federation of America, 77 Consumers Union, 36, 77 content analysis, 5, 16, 21-23, 133 explanation of, 20 intercoder reliability in, 20, 86 methods used in, 20, 22, 86-87, 105, 115 Copyright Clearance Center, 141 Copyright Office, xvi, 18, 46, 85, 88, 124, 134, 137, 171, 175. See also appointed policymakers Copyright Term Extension Act, 67 copyright viewpoint scale, explanation of, 22,87 Creative Commons, 124, 125, 127, 128, 137, 139, 145, 197 creators. See artists/creators critical information studies, xv Daily Show, 144 Daily Variety, 114-117, 125 Dajaz1, 189 Daley, Thomas M., 195 Dark Knight, 162 David Copperfield, 7 DC Circuit Court, 77 Decherney, Peter, 16 DEF CON, 66 Delli Carpini, Michael X., xvi Demand Progress, 197, 199, 211 Democrats, 172 Department of Justice, 201 Dickens, Charles, 7 Digg, 142, 144-145 Digimarc, 96 Digital Audio Tape (DAT). See also Audio Home Recording Act (AHRA); Serial Copy Management System (SCMS) commercial failure of, 34, 35 introduction of, 30 legal actions in response to, 31, 32 music industry fear of, 30-31 regulation of, 10, 33, 35 Digital Future Coalition (DFC) congressional hearing participation by, 97, 101 creation of, 41, 52, 67, 101 media coverage of, 110 structure of, 64, 98

Digital Millennium Copyright Act (DMCA). See also Boucher, Rick; Digital Millennium Copyright Act (DMCA) reform proposals; digital rights management (DRM); infringement; Lehman, Bruce anticircumvention provisions of, 9, 10, 37, 43-47, 138, 200 arguments opposing, 42 arguments supporting, 38-41, 43, 47 as template for treaties and other countries' laws, 172-179 Boucher's proposed alternative to, 55 criminal penalties under, 42, 45, 66, DRM adoption encouraged by, 10, 15 early drafts of, 42, 45 efficacy in preventing infringement, 9, 162-165, 168, 170 exemption hearings mandated by, xvi, 18, 46, 71, 134 fair use not a defense under, 45, 47, 55, 71,95 goals of, 10, 37, 38-40, 165 historical signficance of, 53-57 historical significance of, 8 international treaties and. See WIPO Copyright Treaty (WCT) ISP liability provisions of, 37, 47-52, 180-181, 188 lawsuits and legal threats based on, 64-66, 108, 170 limitations on otherwise noninfringing activities by, 10, 37, 44-45, 55, 71-73, 164 market effects of, 170 media coverage of, 106, 110 notice-and-takedown provisions of. See ISP liability provisions of opposition before passage, 41-43 policy laundering and, 43 policy process leading to, 38-49, 53-57, 93, 138, 165 political significance of, 8, 10, 15, 37 VCR provision of, 56 Digital Millennium Copyright Act (DMCA) reform proposals arguments supporting, 72 contents of, 10, 70-73 market effects of, 73



Index 233

policy process surrounding, 10, 15, 71, Doctorow, Cory, 142, 162, 176, 209 73-74, 94-95, 161, 170-172, 179 Dodd, Chris, 196, 202. See also treaties as possibly limiting, 179 Dodd-Frank Act digital rights management (DRM). See also Dodd-Frank Act, 12 Audio Home Recording Act domain name registries and registrars, (AHRA); Blu-ray discs: encryption 183-185, 194, 201, 208 on; broadcast flag; Canadian Domain Name System (DNS), 182-184, copyright law; Digimarc; Digital Millennium Copyright Act domain seizures. See Immigration and (DMCA); Digital Millennium Customs Enforcement (ICE) domain Copyright Act (DMCA) reform seizures; Stop Online Piracy Act proposals; DVD discs: encryption (SOPA) on; encryption; FairPlay; Hollings Doolittle, John T., 95, 113 Bill; iTunes; Macrovision; Secure Drudge Report, 141, 199 Digital Music Initiative (SDMI); DVD discs, encryption on, 9, 75 Serial Copy Management System ease of circumventing, 9, 73, 147, 162, (SCMS); software: circumvention of 165, 170 DRM on; software: circumvention market success of, 169 of DRM using; WIPO Copyright motivations for circumventing, 71, 94 Treaty (WCT) region coding and, 169 access-controlling vs. use-controlling, Dyson, Esther, 64 43-44 consumer expectations and, 154 Earlham College, 67 declining use of, 166-169 educators/schools/education groups definition of, 9 (excluding scholars) failure to prevent infringement by, congressional hearing participation by, 161–166, 170 identifying key policy debates over, copyright stances by, 98 effect size, 91, 92, 101, 109, 110, 151, 20-2T importance in copyright debate of, 10, 152 19, 161, 170-172 Eisner, Michael, 61 Elcomsoft. See Sklyarov, Dmitry increasingly contested debate over, 93, Eldred v. Ashcroft, 67 95, 101, 111-113 motivations for circumventing, 43-44, Eldred, Eric. See Eldred v. Ashcroft Electronic Frontier Foundation (EFF) 45, 72, 138, 171 newsworthiness of debate over, broadcast flag stance of, 78, 153-154 congressional hearing participation by, 105-108, 114-118 opposition to among technology 97 DMCA stance of, 64 developers, press, and users, 146-147 Doctorow's work for, 142 research into. See encryption: research entry into copyright debate, 209, 211 founding of, 64, 211 sellers of, 56, 62, 96, 100 funding sources for, 205, 211 vulnerability to circumvention, 41 legal actions by, 51, 65-66, 77, 209 digital television (DTV). See broadcast flag: media coverage of, 3, 113, 117, 144 membership in SFU coalition by, 9, 125, DTV digital television (DTV) flag. See broadcast 197, 209 flag: DTV movement building by, 197, 211 SOPA mobilization by, 186, 197, 199, Dingell, John, 172 disc jockeys (DJs)/DJing, xv 202, 205 Disney, 61 technical expertise of, 15



234 Index

Electronic Frontier Foundation Federal Communications Commission (FCC). See American Library (EFF) (cont.) website and web strategy of, xvi, 22, Association v. FCC 124, 125, 128, 130, 134, 137, 139, Federal Register, 201 141, 145, 153-154, 186 Federal Trade Commission, 167 Feld, Harold, 202 Electronic Privacy Information Center, 46, Felten, Edward W., xvii, 64-66, 68, 70-72, 138, 139 electronics industry. See Consumer 108, 163 Electronics Association/Consumer Ferguson, Mike, 80 Electronics Manufacturers Fight for the Future, 197, 199, 211 Firefox, 7 Association; technology sector Ellison, Nicole B., 140 First Amendment, 50, 190 EMI, 167-168, 169 first copy costs, 6 encryption. See also digital rights Flanagin, Andrew J., 16 management (DRM) Flickr, 137, 139 as component of DRM, 9, 47, 53, 76 Fox Broadcasting Company, 76 Frank, Barney. See Dodd-Frank Act circumvention of, 73, 162 public knowledge of and interest in, free culture movement, 205 107 free distribution. See authors/creators: authorized free/promotional research into, 53, 64-66, 70, 72-73, 107. See also Felten, Edward W.; distribution by Sklyarov, Dmitry Free Software Foundation (FSF), 62, 125, Engadget, 145 128, 138, 139, 156, 197 Entertainment Software Association (ESA), Gandy, Oscar H. Jr., xvi, 43 117 Erickson, John S., 163 Gassaway, Lolly, 67 Europe, 35, 169, 175 General Electric (GE), 100 European Parliament. See European Union Geneva, 175 GigaOm, 145 Gillespie, Tarleton, 16, 74, 76 (EU) European Union (EU), 169, 176 Gizmodo, 60, 145 Glickman, Dan, 202 Facebook, 52, 60, 137, 139, 196, 199, GNU/Linux, 7, 156 202, 215 fair use. See also codes of best practices in GoDaddy, 195 fair use; Digital Millennium Google Copyright Act (DMCA): fair use not accusations of complicity in copyright a defense under; Digital Millennium infringement, 195, 196 Copyright Act (DMCA): ISP incentives in complying with takedown liability provisions of; Digital requests, 50, 180 Millennium Copyright Act (DMCA) lobbying (or lack thereof) by, 52, 117, reform proposals; strong fair use 195-196, 205 (SFU) coalition research techniques using, 22, 130, as organizing principle for SFU coalition, SOPA strike participation by, 4, 199, courts generally favorable to, 46 204-205, 210-211. See also SOPA home recording as potentially, 75 strike: websites participating in SC coalition's narrow view of, 41 web indexing strategies by, 21, 122 FairPlay, 62, 167, 168, 169. See also Gordon, Bart, 43 Gore, Al, 93 iTunes Gortikov, Stanley, 30 Federal Bureau of Investigation (FBI), 18, 66, 85 Great Depression, 12



Index 235

Immigration and Customs Enforcement

IBM, 156

Greenspun, Philip, 35, 36 Gross Domestic Product (GDP), 63 Hacker, Jacob S., 11 hackers/hacking, 16, 39, 44, 66, 71, 100, Harvard Berkman Center for Internet & Society. See Berkman Center for Internet & Society at Harvard University Hawaii, 151 hearings. See congressional hearings; Digital Millennium Copyright Act (DMCA): exemption hearings mandated by Holleyman, Robert W. II, 47, 48 Hollings Bill (Consumer Broadband and Digital Television Promotion Act, S), 60-64, 73, 74, 207. See also Hollings, Fritz Hollings, Fritz, 61. See also Hollings Bill (Consumer Broadband and Digital Television Promotion Act, S) Hollywood, 172. See also media sector Hollywood Reporter, 114-117, 125 Home Recording Rights Coalition, 53, 98, 156 Homeland Security. See Immigration and Customs Enforcement (ICE); Immigration and Customs Enforcement (ICE) domain seizures House Committee on Energy and Commerce, 73-74, 94, 172. See also Barton, Joe House Committee on the Judiciary, 74, 195–196, 197, 200 House Energy & Commerce Committee. See House Committee on Energy and Commerce House Judiciary Committee. See House Committee on the Judiciary House of Representatives, 2, 3, 12, 22, 45, 55, 56, 74, 78, 94, 95, 113, 172, 201. See also House Committee on Energy and Commerce; House

(ICE). See also Immigration and Customs Enforcement (ICE) domain Immigration and Customs Enforcement (ICE) domain seizures, 186-193, industry press. See trade press Information Infrastructure Task Force (IITF) White Paper, 40-41, 207. See also Digital Millennium Copyright Act (DMCA); Lehman, Bruce; WIPO Copyright Treaty (WCT) Information Technology Industry Council, InformationWeek, 114-117, 125 infringement. See also Anti-Counterfeiting Trade Agreement (ACTA); Audio Home Recording Act (AHRA); Combating Online Infringement and Counterfeits Act (COICA); Digital Millennium Copyright Act (DMCA): anticircumvention provisions of; Digital Millennium Copyright Act (DMCA): efficacy in preventing infringement; Digital Millennium Copyright Act (DMCA): ISP liability provisions of; Digital Millennium Copyright Act (DMCA): limitations on otherwise noninfringing activities by; Digital Millennium Copyright Act (DMCA) reform proposals; Immigration and Customs Enforcement (ICE) domain seizures; Online Protection and Enforcement of Digital Trade (OPEN) Act; noninfringing uses; Stop Online Piracy Act (SOPA); Trans-Pacific Partnership (TPP) bad faith claims of, 51 increasing ease of, 7, 29-30, 38-39, 154, 161-166, 170. See also internet: infringement via penalties for, 2, 153, 187 secondary, 43, 48, 50, 59 Inouye, Daniel K., 93 Institute of Electrical and Electronics Engineers, 53 International Trade Commission (ITC), 20 T

Committee on the Judiciary

House of s, 186, 198–201 HTML, 126, 130



236 Index

```
international treaties. See
                                              internet service providers (ISPs), 37, 41, 48,
      Anti-Counterfeiting Trade
                                                     52, 178, 182, 185, 194, 208. See
      Agreement (ACTA); Korea-U.S.
                                                     also Anti-Counterfeiting Trade
      Free Trade Agreement (KORUS);
                                                     Agreement (ACTA); Digital
      Trans-Pacific Partnership (TPP);
                                                     Millennium Copyright Act
      treaty ratification, international;
                                                     (DMCA): ISP liability provisions of;
      treaty ratification, Senate; WIPO
                                                     persuadable technology (PT)
      Copyright Treaty (WCT)
                                                     division/group; Stop Online Piracy
internet. See also Digital Millennium
                                                     Act (SOPA); technology sector
      Copyright Act (DMCA):
                                              Isosonics Corp., 35
                                              Issa, Darrell, 94, 201
      anticircumvention provisions of;
      Digital Millennium Copyright Act
                                              Issue Crawler, 5, 16, 21, 122-130, 133,
      (DMCA): ISP liability provisions of;
                                                     136-142
      Domain Name System (DNS);
                                              iTunes, 62, 162, 167-169. See also
      internet service providers (ISPs);
                                                    FairPlay
      Stop Online Piracy Act (SOPA);
                                              iTunes Plus format, 167
      strong copyright (SC) coalition:
      online communication by; strong
                                              Japan, 30, 31, 35, 169, 176
      fair use (SFU) coalition: online
                                              Jaszi, Peter, 16, 41-42, 53, 67, 101, 204,
      communication by; strong fair use
                                                     209
      (SFU) coalition: political capital of;
                                              Jobs, Steve, 62, 167
      technology sector: copyright stances
                                              Jones, Brian D. See Baumgartner,
      by; trade press: technology news
                                                     Frank R.
                                              Jones, Christine N., 195
  balance of copyright viewpoints on,
      131-149, 150-153
                                              K Street, 217
  citizen-policymaker communication via,
                                              Kapor, Mitch, 211
      1-3, 218. See also appointed
                                              Karaganis, Joe, 153
                                              Karpf, David, 216
      policymakers: citizen
      communication with
                                              King, Stephen, 6
  diversity of content on, 4, 7, 39
                                              Kinko's, 189
                                              Klug, Scott, 55, 94
  infringement via, 58, 64, 68, 106,
                                              Knowledge Ecology International (KEI),
      161-166, 174, 180-181. See also
      infringement: increasing ease of;
      infringement: penalties for
                                              Korea-U.S. Free Trade Agreement
  mass public adoption of, 118
                                                     (KORUS), 178. See also
  media sales via, 3, 34, 38-39, 47, 62, 68,
                                                     Anti-Counterfeiting Trade
      166, 167-169
                                                     Agreement (ACTA); Trans-Pacific
                                                     Partnership (TPP); treaty
  methods of studying, 5, 16, 21-22,
       130-131, 140-142
                                                     ratification, international; treaty
                                                     ratification, Senate
  openness of, 1, 2, 3, 7, 8, 49, 52, 66-69,
      153, 186, 202, 203, 208
                                              Kotcher, John E., 147
  political impact of advocacy via, 2, 4,
                                              Krippendorff, Klaus, 16, 20
      10, 13-16, 23-25, 118, 141,
      196-200, 203, 206, 214
                                              Las Vegas, 66
                                              lawyers/legal associations. See also legal
  sector representation on,
      154-157
                                                     scholars/scholarship
  viral spread of messages via, 14,
                                                congressional hearing participation by,
       142-143
Internet Corporation for Assigned Names
                                                press coverage of, 110-113
      and Numbers (ICANN), 139
                                              Leahy, Patrick, 61, 185, 194
```



Index 237

legal scholars/scholarship. See also scholars	McLeod, Kembrew, xv, 53
copyright stances by, 49, 53, 67, 177,	McMillan, Alex, 93
186, 202, 210	Media Cloud, 136
present study as a contribution to, 16,	media sector
19	comparative presence across media,
previous research on copyright	154-155
law/politics, xvi, 34, 210	congressional hearing participation by,
Lehman, Bruce, 38, 40–43, 46, 53–54, 56,	96, 101
165–166, 170, 207, 209	copyright stances by, xvi, 3, 98, 154,
Lessig, Lawrence, xvi, 64, 67, 124, 125,	205, 211
128, 146	industry negotiations involving, 62
LexisNexis, 21, 86, 105, 106, 114, 115	members of, 96
Librarian of Congress, 171	online communication by, 16, 129, 132
librarians/library associations. See also	140-142
American Association of Law	press coverage of, 110–113
Libraries; American Library	Medical Library Association, 77
Association; American Library	Metafilter, 144
Association v. FCC; Association of	Metalitz, Steven J., 39
Research Libraries; Library of	MGM Studios, Inc. v. Grokster, Ltd., 59
Congress; Library Journal; Medical	Microsoft, 62, 156
Library Association; Special	Microsoft Research Group, 162
Libraries Association	MiniDisc, 34
as exemplars for SFU coalition, 7, 94	Morocco, 176
congressional hearing participation by,	Motion Picture Association of America
98	(MPAA)
copyright stances by, xvi, 8, 41, 45,	congressional hearing participation by,
77-79, 96, 98, 207	39, 48, 196, 203
online communication by, 16, 132,	public perception of, 60
155	website and web strategy by, 129, 135,
political capital of, 53	140–141, 156
press coverage of, 110–113	Mozilla, 62, 196, 197, 199. See also
Library Journal, 171	Firefox
Library of Congress, 46, 85, 125, 126,	MP3, 34, 44, 144, 168
128, 137, 198, 200	MTV, 189
LifeHacker, 170	music publishers, 35, 81, 93. See also
Litman, Jessica, 16, 35–36, 46, 49, 67, 86,	American Society of Composers,
99	Authors, and Publishers (ASCAP);
Lofgren, Zoe, 71, 95, 113	Broadcast Music, Inc. (BMI);
long tail, 128	National Music Publishers
Los Angeles, 172	Association (NMPA); SESAC
Lotus, 211	musicians. See artists/creators
Lowery, David C., 205	MySpace, 60, 137, 139
Macrovision, 56, 62, 96	Napster, 8, 10, 34, 58-60, 204, 209
Magnatune, 141	National Consumers League, 36
Malaysia, 176	National Music Publishers Association
Malibu, 172	(NMPA), 32
Masnick, Mike, 145, 190, 209	Net Coalition, 186
Massachusetts Institute of Technology	Netscape, 52
(MIT), 36	network neutrality, 78, 107,
McCain, John, 50, 93, 151	144



238 Index

Network World, 114-117, 125 Palin, Sarah, 50 Participatory Politics Foundation, 197 New York Times, 16, 20, 30, 104-119, 139, 140, 144, 210. See also Patent and Trademark Office (PTO), 38, newspapers 40, 88, 106, 137. See also appointed New Zealand, 176 policymakers; Lehman, Bruce Patry, William, 166 news. See newspapers; trade press Pavlosky, Nelson, xvii, 51 News Corporation, 4 newspapers. See also trade press PCWorld, 145 peer-to-peer (P2P) file sharing, 58-60, 63, access to, 110-114 balance of copyright viewpoints in, 106, 168 109-110, 154 persuadable technology (PT) coverage of copyright debate in, 68, division/group, 54, 63, 79, 102, 105-108 171, 196, 211-212 division of duties within, 12 Peru, 176 Phillips, Dennis (Denny), xv methods of studying, 21, 23 Pierson, Paul, 12 political significance of, xvi, 104-105 piracy/pirates, 39, 47, 143, 153, 154, 163, sector representation in, 110-114, 154-157 173, 212 value of studying, 104-105 policy laundering, 43, 178 Nisbet, Matthew, 147 policy studies, 215-219. See also No Electronic Theft Act, 8 communication nongovernment organizations scholars/scholarship; political (NGOs)/nonprofits communication methods of, 86 comparative presence across media, theories drawn from, 13-14 154-155 congressional hearing participation by, policymakers. See appointed policymakers; Congress 98, 101 copyright stances by, xvi, 98 political communication, 13-14, 146-147, entry into copyright debate, 207 206, 215-219. See also examples of, 98 communication scholars/ online communication by, xvi, 125-130, scholarship; policy studies political history, 16-19. See also Audio 132, 136, 138 press coverage of, 110-113, 210 Home Recording Act (AHRA); normal/abnormal distribution of data, 87, broadcast flag; Digital Millennium Copyright Act (DMCA); Digital 91 Millennium Copyright Act (DMCA) Oakley, Bob, 67 reform proposals; Stop Online Obama, Barack, 151, 169 Piracy Act (SOPA) off-the-record conversations, 24 Portable Document Format (PDF), 22, 130 Oklahoma, 151 Post, David, 67 power law distribution. See winner-take-all online document retrieval. See internet: methods of studying distribution Online Policy Group v. Diebold, 51 press. See newspapers; trade press Online Protection and Enforcement of Preventing Real Online Threats to Digital Trade (OPEN) Act, 200-202 Economic Creativity and Theft of Operation In Our Sites. See Immigration Intellectual Property Act and Customs Enforcement (ICE) (PROTECT IP Act, or PIPA). See domain seizures Stop Online Piracy Act (SOPA) Ott, Brian, xv "Prime Time Doctors: Why Should You Care?", xvi PageRank, 122 Princeton University, xvii, 64



Index 239

Prioritizing Resources and Organization website and web strategy of, 129, 135, for Intellectual Property Act 140, 141, 156 (PRO-IP Act), 187. See also *Reddit*, 142–145, 198, 199, 204, 210, 211 Immigration and Customs Register of Copyrights, 46, 71, Enforcement (ICE) domain seizures 171 professors. See scholars Reid, Harry, 198, 200 Program on Information Justice and Republicans, 151, 172 Intellectual Property, 178 research methods used, 5, 16-25, 120-122. programmers/programming, 6-7, 66, 70, See also content analysis; internet: 163, 214. See also software methods of studying; Issue Crawler; Progress and Freedom Foundation, 60, 97, political history Robert Wood Johnson Foundation, xvi 135, 140 promotional distribution. See Rogers, Richard, 16, 21, 122 artists/creators: authorized Rojadirecta, 191 free/promotional distribution by rootkit. See Sony rootkit scandal Rosen, Hilary B., 48, 68 Public Knowledge. See also Feld, Harold; Sohn, Gigi Rosenblatt, Bill, 114 author's relationship with, 101, 114, Rosetta Stone, 195 163 Ross, Patrick, 60 Russia, 66, 173 broadcast flag stance of, 78 congressional hearing participation by, 66, 97, 101 Salon, 61 founding of, 66, 209, 211 Samuelson, Pamela, 15, 67, 154 funding sources for, 205, 211 Sanchez, Julian, 143 Santa Monica, 172 international advocacy by, 179 IP3 Award, 171 SAT test, 91 legal actions by, 77 Schakowsky, Jan, 94 media coverage of, 3, 66, 113, 117, 144 scholars. See also communication membership in SFU coalition by, 9, 125, scholars/scholarship; encryption: research into; legal movement building by, 66, 197, 211 scholars/scholarship; policy studies; SOPA mobilization by, 186, 195, 197, political communication as exemplars for SFU coalition, 7 205 website and web strategy of, xvi, 124, comparative presence across media, 125, 128, 137, 139, 141, 144, 145, 154-155 congressional hearing participation by, 98, 102 radio broadcasts/broadcasting, 10, 29, 75, copyright stances by, xvi, 8, 36, 41, 49, 80, 96. See also broadcast flag: 53, 67, 98, 102, 154, 177, 186, audio 210 Rangnath, Rashmi, 178 entry into copyright debate, 36, 41, 53, ratification. See treaty ratification, 67, 207 international; treaty ratification, online communication by, xvi, 16, Senate 125-130, 132, 136, 138 Recording Industry Association of America press coverage of, 67, 110-113, (RIAA) 210 search engines, 2, 120, 182, 185, 194, 201, congressional hearing participation by, 208. See also Google legal actions by, 59-60, 64-66, 72, 108, Second Circuit, 192 secondary infringement. See infringement: public perception of, 60, 108, 204, 208 secondary



240 Index

Secure Digital Music Initiative (SDMI), Sohn, Gigi, 67 Sonny Bono Copyright Term Extension 64-66 Act. See Copyright Term Extension Seltzer, Wendy, 50 Senate, 2-3, 43, 56, 74, 78, 93, 174. See also Senate Committee on Sony Corp. of America v. Universal City Commerce, Science, and Studios, Inc., 33, 35, 54, 55, 59, 71, Transportation; Senate Committee 75, 163, 171, 209 on the Judiciary; treaty ratification, Sony rootkit scandal, 166 Sony/Sony BMG, 30-33, 34, 35, 71, 100, Senate Commerce, Science, and 166. See also Betamax; Cahn v. Transportation Committee. See Sony Corp.; Digital Audio Tape Senate Committee on Commerce, (DAT); MiniDisc; Sony Corp. of Science, and Transportation America v. Universal City Studios, Senate Committee on Commerce, Science, Inc.; Sony rootkit scandal SOPA blackout. See also Stop Online and Transportation, 61, 74 Piracy Act (SOPA) Senate Committee on the Judiciary, 61, 74, 186, 194 actors behind, 3-4, 136, 197-199, Senate Judiciary Committee. See Senate 203-205, 210-212 Committee on the Judiciary earlier mobilization as enabling, 149, Serial Copy Management System (SCMS), 209-210 historical significance of, 24, 203-205, 32-33, 56 SESAC, 81 207, 218 Shapiro, Gary, 202 news coverage of, 1, 141 Silicon Valley. See technology sector political impact of, 2-3, 196-200, Singapore, 175-176 Sklyarov, Dmitry, 66, 70-73, social media as aiding, 137 108 websites participating in, 1, 197-200, Slashdot, 60, 142, 144-145, 210 203-205 Smith, Lamar, 195–196, 200 SOPA strike. See SOPA blackout South Korea, 176 Smith, Luke Thomas, 51 social networks, 60, 137, 145, 147, 210, Spain, 191 216 Special Libraries Association, software. See also Audio Home Recording Act (AHRA): exemptions for standard deviation (SD), 91 computer equipment and software Stanford Center for Internet and Society, circumvention of DRM on, 43-44, 66, xvi, 125, 128. See also Center for Internet and Society Cyberlaw 162-163 circumvention of DRM using, 9, 55, Clinic at Stanford Law School 66, 73, 95, 96, 100, 162, 165, Stearns, Cliff, 93 170 Stevens bill (Communications, Consumer's cost of producing, 6, 214 Choice, and Broadband Deployment free/open source, 7, 62, 213 Act of 2006, S), 80 peer-to-peer. See peer-to-peer (P2P) file Stevens Bill (Communications, Consumer's sharing Choice, and Broadband Deployment software industry. See Business Software Act of 2006, S), 144. See also Alliance (BSA); Entertainment Stevens, Ted, Software Association (ESA); Free Stevens, Ted, 144. See also Stevens Bill Software Foundation (FSF); (Communications, Consumer's Choice, and Broadband Deployment free/open source software; Act of 2006, S) programmers/programming; technology sector Stohl, Cynthia, 16



Index 241

Stop Online Piracy Act (SOPA). See also Information Infrastructure Task Force (IITF) White Paper as fueling, 41 Online Protection and Enforcement of Digital Trade (OPEN) Act; SOPA international advocacy by, 174-178 blackout members of, 8, 96, 98, 171, 210 actors for and against, 141, 194-198, online communication by, 10, 24, 120, 201, 203-205. See also SOPA 127-130, 131-149, 186, 197-200, blackout: actors behind 203, 206-209, 210, 213 arguments against, 201. See also political capital of, 10, 46, 179, 196, censorship as alleged goal or result 202-204, 206-209, 210 press coverage of, 109-110, 114-117, censorship as alleged goal or result of, 210 1-2, 198-199 technical expertise of, 15 contents of, 194 technology sector as potentially helpful goals of, 194 to, 63 Sununu, John, 95 news coverage of, 145 policy process surrounding, 1-5, Supreme Court, 33, 35, 59, 67, 194-205, 208 209 policymakers' turn against, 200. See also Susan G. Komen Foundation, 213 SOPA blackout: political impact of strong copyright (SC) coalition Tarriff Act of 1930, 200 TechCrunch, 145 ability and incentives to communicate online, 15-16 Techdirt, 52, 60, 143, 145, 170, 190, 193, comparative presence across media, 198, 202, 209, 210, 211 150-155 technology news/news sites. See trade congressional hearing participation by, press technology sector encryption advocated as solution by, 10, comparative presence across media, 156-157 47 international advocacy by, 43, 172, 174, congressional hearing participation by, 96, 101 178 internet portrayed as threat by, 37-40, copyright stances by, xvi, 3, 16, 41, 46, 66-67, 180-183, 197 49, 52, 62, 74, 96, 98, 101, 117, ISP liability provisions of Digital 125, 129, 140, 156-157, 186, 196, Millennium Copyright Act (DMCA) 201-202, 211 supported by, 49 diversity of strategy and copyright members of, 8, 46, 62, 96, 98, 172, 174, positions within, 62, 96, 100, 156-157 industry negotiations involving, 62 online communication by, 123-124, 129, 131-135, 140-142 members of, 63, 96 political capital of, 130, 179, 196, online communication by, 15, 125, 129, 132, 138, 140, 156-157 press coverage of, 109-110, 114-117 participation in DRM standard setting, technology sector as potentially helpful press coverage of, 110-113 to, 63 strong fair use (SFU) coalition television (TV), 10, 68, 80, 96, 154. See ability and incentives to communicate also broadcast flag: DTV Thanksgiving, 190 online, 15-16 Thomas database of federal legislation, comparative presence across media, 150-155, 157 125, 126, 128, 199, 200 congressional hearing participation by, Threat Level, 144 87-95 top-level domain (TLD), 183

242 Index

trade press, 114-117 balance of copyright views in, 142-145 technology news sites, 132, 142-145, 210 trademark, 185-186, 200 Trans-Pacific Partnership (TPP), 176–179. See also Anti-Counterfeiting Trade Agreement (ACTA); Korea-U.S. Free Trade Agreement (KORUS); treaty ratification, international; treaty ratification, Senate treaties. See Anti-Counterfeiting Trade Agreement (ACTA); Korea-U.S. Free Trade Agreement (KORUS); Trans-Pacific Partnership (TPP); treaty ratification, international; treaty ratification, Senate; WIPO Copyright Treaty (WCT); World Trade Organization Council on Trade-Related Aspects of Intellectual Property Rights (TRIPS) treaty ratification, international, 49, 176 treaty ratification, Senate, 43, 174 Tumblr, 198, 199 Turow, Joseph, xvi, xvi Turow, Scott, 195 Twitter, 137, 139, 196, 199 two-step media effects model, 147, United Nations. See World Intellectual Property Organization (WIPO) United States (US). See also United States Trade Representative (USTR) evolution of copyright law in, 37-38 international negotiations/proposals by, 37, 42, 172-178 media environment in, 1, 30-32, 118, political environment in, 11, 151, 181-185, 190, 214 treatment of foreign nationals by. See Sklyarov, Dmitry treatment of international websites in. See Digital Millennium Copyright Act (DMCA): ISP liability provisions of; Stop Online Piracy Act (SOPA) United States Trade Representative (USTR), 42, 173

Universal Music Group, 168 Universal Serial Bus (USB), 163 Universal Studios/Universal City Studios. See Sony Corp. of America v. Universal City Studios, Inc. University of California at Berkeley, 154 US News & World Report, 87 Vaidhyanathan, Siva, 16 Valenti, Jack, 39, 48, 166, 202 Vault Corp. v. Quaid Software, 163 VCR, 29, 54, 56, 154, 209 Verisign, 183 Verizon, 195 Viacom, 188 Vietnam, 176 Vimeo, 139, 140 viral internet messages. See internet: viral spread of messages via Virginia, 71 Visa, 195 von Lohmann, Fred, 153 Warner Brothers Pictures, 48 Warner Music Group, 169 Washington College of Law. See American University Washington Post, 16, 20, 36, 64, 104–119. See also newspapers Washington, DC access to policymakers in, 117, 129, 146 as metaphor for/symbol of potential regulation, 62 partisan preferences of voters in, policy advocacy/offices in, 66, 117, 145, 157, 208, 209, 212 Waxman, Henry A., 172 West Hollywood, 172 Whedon, Joss, 7 White Paper. See Information Infrastructure Task Force (IITF) White Paper Wikimedia Foundation. See Wikipedia Wikipedia, 1, 7, 62, 138, 139, 199, 203-205, 210 SOPA strike participation by. See SOPA strike: websites participating in winner-take-all distribution, 126-127



Index 243

WIPO Copyright Treaty (WCT), 37, 42–43, 47, 49, 93, 106, 166, 173, 175, 178. See also Digital Millennium Copyright Act (DMCA); treaty ratification, international; treaty ratification, Senate; World Trade Organization Council on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

WIPO Performances and Phonograms Treaty (WPPT). See WIPO Copyright Treaty (WCT)

Wired, 60, 132, 142, 144, 145, 199,

Wisconsin, 55 Word (Microsoft application), 130 Word (Microsoft) format, 22 WordPress, 199
World Intellectual Property Organization
(WIPO), 42, 174. See also WIPO
Copyright Treaty (WCT)
World Trade Organization Council on
Trade-Related Aspects of
Intellectual Property Rights (TRIPS).
See also Digital Millennium
Copyright Act (DMCA); treaty
ratification, international; treaty
ratification, Senate; WIPO

Wozniak, Steve, 211 Wyden, Ron, 193, 196, 201

Yahoo!, 196 Yee, Denise, 195 YouTube, 48, 60, 137, 139, 140, 188, 208

Copyright Treaty (WCT)