

ADRIAN JOHNS, *PIRACY: THE INTELLECTUAL PROPERTY WARS FROM GUTENBURG TO GATES* (2009).

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Discovering the Origin of Copyright Pirates

“It is the beginning of a new century, and the music industry is facing a crisis. New technology, new media, and innovative business practices are challenging the copyright principles that have underpinned the industry for as long as anyone can remember”¹

Introduction:

Piracy: The Intellectual Property Wars From Gutenberg To Gates delves into a deeper history on the history of piracy of copyrighted materials, starting after the origination of the printing press. This book reviews how copyright laws and piracy have gone together since the creation of the printed word. This review will analyze Adrian Johns’ history of piracy and reviews how piracy has impacted intellectual property rights throughout the centuries.

The Author:

Adrian Johns, the author of *Piracy: The Intellectual Property Wars From Gutenberg To Gates* is a professor of history and the chair of the Committee on Conceptual and Historical

¹ ADRIAN JOHNS, *PIRACY: THE INTELLECTUAL PROPERTY WARS FROM GUTENBURG TO GATES* 327 (2009).

Studies of Science at the University of Chicago. He received his degree from the University of Cambridge. Since then, he has taught at the University of Kent at Canterbury, the University of California, San Diego, and the California Institute of Technology. Johns has been published widely in science history and in the history of books. He is also the author of *The Nature of the Book: Print and Knowledge in the Making*, which won the Leo Gershoy Award of the American Historical Association, the John Ben Snow Prize of the North American Conference on British Studies, the Louis Gottschalk Prize of the American Society for Eighteenth-Century Studies, and the SHARP Prize for the best work on the history of authorship, reading and publishing.

The Book:

Piracy: The Intellectual Property Wars From Gutenberg To Gates explores the intellectual property wars from the advent of print culture in the fifteenth century to the reign of the Internet in the twenty-first. With the development of new technologies in the digital age, most people assume that intellectual piracy is a product of the current technology possessed and that it threatens creative expression as never before. However, Johns theorizes that piracy has a much longer and more vital history, one that has been largely forgotten and is little understood. Johns explains that Copyright was an invention of 18th century Britain, but piracy has been around for much longer.² The first classifications of Piracy took place over three centuries ago. Simple categories were created like abridgment, epitomizing, and reprinting. Now, the variety of piracy is far more numerous – phishing, biopiracy, seed piracy, identity theft, etc.³ It took until the 1770s for the concept to take the shape of its modern form: a temporally limited right defined by

² ADRIAN JOHNS, *PIRACY: THE INTELLECTUAL PROPERTY WARS FROM GUTENBURG TO GATES* 109 (The University of Chicago Press, 2009).

³ See JOHNS, *supra* note 1, at 479.

statute and limited to the expression of ideas rather than the ideas themselves. Piracy was legitimate in England in the beginning of the 18th century.

In the creation of the United States of America, piracy was considered revolutionary.⁴ The act of reprinting London's books was an act of defiance. This practice of condoning piracy created longer-term problems for America and shaped the foundations of communication in the US. Now, in more modern times, the music industry regularly has to deal with mainstream piracy. With the origination of new technology and the Internet, songs could be replicated at such an expeditious rate in the early 2000s that it became a crisis to the very existence of the music industry. The American public sees nothing wrong in doing business with these music pirates. "Pirates" of music call themselves the "peoples music publishing company" and sell at prices that anyone can afford. They claim to bring music to a vast public otherwise unserved. Music piracy is mostly spurred on by students, not businesses. They are staffed by teenagers and run out of bedrooms and restaurants. Tackling this type of pirate caused the music industry to take matters into their own hands.

Analysis:

Johns suggests that new technology, media, and innovative business practices are challenging the copyright principles that have underpinned industry.⁵ In more recent years, the last quarter of the 20th century piracy has been both domesticated and globalized.⁶ Piracy has become less of a niche activity of hobbyists to a mass phenomenon. This, Johns suggests, will effect how new digital devices are put to use.

⁴ See JOHNS, *supra* note 1, at 179.

⁵ See JOHNS, *supra* note 1, at 327.

⁶ See JOHNS, *supra* note 1, at 431.

Johns' uses his experience as a historian to provide an analysis of the development of copyright infringement laws. Because he approaches the subject with a historian's background, readers are given a well-rounded history of piracy. He provides an unbiased view of how piracy has developed alongside technology. Johns shows readers how piracy has been an engine of social, technological, and intellectual innovations over the decades, and how it has been central to the emergence of the information society. He introduces the dichotomy of patents and copyrights: that although some say they incentivize inventive originality, they also cause a rush to protect intellectual property and corrupt the force at the heart of scientific and inventive culture.

Evaluation:

Johns contributes to the field of the history of piracy and copyright law by showing its little known history, spanning all the way back to 17th century. Like a true historian, the author shows the multiple sides to each argument, without persuading the reader. By just providing the information on copyrights, patents, and their piracy, readers are able to develop their own opinions and access all of the true facts behind what patents and copyrights are today.

Conclusion:

I found the book particularly informative on the origins of piracy in modern societies. Although it is lengthy, the in depth review of the shape that piracy has taken over the years was very informative. I would recommend this book to those that are interested in the history of copyrights and patents, and especially to those who learn through stories. Although quite lengthy, Johns' paints an in-depth history of piracy. Each chapter brings you to a different point in history, giving you stories of real "pirates" during that time period. The history of copyright

and piracy helps to prepare for the future of piracy and what laws can be enforced to protect intellectual property.