

To whom it may concern,

I am writing to you concerning the review of intellectual property which you are currently undertaking. I wish to express my concern that my government is being manipulated by the media cartels into stealing from the public domain to line their own pockets at our expense.

The primary principle of government is to act in the public benefit. Copyright, as envisioned, exists solely for the purpose of further enriching our culture by motivating authors (used throughout this document as meaning any producer of content) to produce new works, even in forms that can potentially be reproduced without their intervention.

The people, through the government, developed a compromise to achieve both these goals by granting a necessary evil in the form of a limited monopoly over reproduction to the author (despite a monopoly being an abhorrence to the principles of a free market); the author can then license this right as they see fit (commonly in exchange for royalty payments).

However, with this conceptual foundation in hand, the issue is not "whether copyright should exist", nor even strictly-speaking "what duration should copyright have", it is the subtly-different "what the minimum period required to coerce authors to produce new works"; this is in line with the relationship between the author and the public as embodied through the government. This relationship is no different to that between any other tradesman and customer, where a fair price must be reached through mutual compromise, thus the free market finds the true value of the labours in question, even if they be artificial legal constructs such as intellectual property rights. In the case of copyright, the public gives a limited monopoly to the author as payment for producing their works for them.

This is in sharp contrast to the modern school of thought which deems copyright to be a manifestation of a fundamental right of the author to a lifetime of living off their past works. When a musical artist can live for a lifetime from the monopoly on a successful album, from whence comes the incentive to continue to produce new works? Artistic passion is most likely the primary candidate, but if that is the case, then surely they would still be driven to produce new content without the disproportionate financial incentives that a lifetime monopoly brings. An author needs to be paid, that much is certain, but they also need to be given incentive to continue to produce new works, so that culture as a whole might benefit from it.

Far from extending copyright, I would see it reduced to a fair compromise to strike a balance between the payment by the public and the incentive for the author to produce new works. The period required to this end I am reluctant to suggest, as it would require a great deal of further study, most likely in the guise of a study such as you are

currently undertaking. I will however suggest this as a starting point: A short initial terms of copyright in line with patents, say 15 years. These could then be extended up to perhaps a maximum of the current 50 years at ten or so year intervals with re-registration by the original author, (upon payment of a reasonable fee to discourage automated renewals). Thus, if a work is one of the few that are consistently profitable enough to warrant longer copyright, they have that option available. If the work is languishing in some forgotten vault however, it is freed and can then be used as a resource for the production of new great works, thus ensuring that the public domain is kept well stocked and new authors are not forced to fish for ideas from an empty lake, so to speak.

So as to provide a context for my views, I am an independent software developer by trade, and as such I find myself frequently dealing with most aspects of the current IP landscape, from the occasional trademark usage to the constant concern over copyright licensing of the code I work with, not to mention the looming great dark shadow of patents. I have only a few quibbles regarding the former, trademark law seems fairly sensible, aside from the way it often handles dictionary words (such as Windows, Office, Word, Apple, among others). The latter however is a topic which I feel very passionately about, and no doubt you will have already received a great deal of responses regarding.

In summary, I strongly oppose both software-related and genetic-related patents on the grounds that they both covered under the "forces of nature" clause of classification. Software being little more than applied mathematics (mathematics itself being little more than factual relationships), and genetics as well as they are also discoveries and not inventions. I especially find the concept of a biotechnology corporation having patents on the fundamental genetic building blocks in my own body's DNA abhorrent, let alone the situation in the US with Monsanto and innocent farmers whose crops have been cross-pollinated by third party Monsanto-engineered crops and find themselves in the ridiculous position of being guilty of patent infringement! Sadly, a full and comprehensive argument on the issue I feel is best left to those far more eloquent than I, for when it comes to my views I stand in the shadows of giants in these matters. I would hate to weaken our argument with inadvertent error, so I will refrain from those topics henceforth.

I apologise for the length of this email, but I truly cannot express to you enough just how bad I feel it will be for our culture in the future should it lay near-permanently bound in the vaults of the multinational media conglomerates.

- Jamie Thompson