The Absurdity of Copyright Infringement Laws

In Chapter 6 of Blown to Bits, the severe fine for copyright infringement is rationalized by the courts by the argument that “the penalty is sufficient to deter infringement even when actual damages to the copyright holder are small” (198). The authors later acknowledge that the current digital world we live in has “blown the legal penalties for infringement out of realistic proportion to the offense” (198). While this is accurate, it does not justify the original institution of the penalty. The explanation of a punishment being drastically out of proportion to its crime simply in order to scare people from committing said crime is absurd. That logic is essentially scare tactics. Following that logic, the punishment for all crimes should be the same: the death penalty. If the goal is to scare people out of committing crimes, why distinguish punishments at all?

Additionally problematic was how the laws surrounding file-sharing evolved. Starting at the end of the 19th century, “infringement with a profit motive” (199) was deemed criminal but the maximum penalty was 1 year in prison and a fine of 1000 dollars (199). In 1976 however, Congress wrote the first in a series of laws that increased the penalty for infringement (199). Yet even these increased penalties only affected those infringing on copyrights for the explicit purpose of profiting. Yet after 1994, this ceased to be the case. Congress voted to change copyright law so that it did not matter whether or not someone’s infringement had a profit motive
or not, it would be criminal matter what, as long as the value of the items infringed upon exceeded a thousand dollars. This 1994 law was changed soon after a District Judge got a suggested that congress change that copyright law.

The aspect of these stories I found most curious was the speed at which the different dilemmas that arose were addressed by congress. In past weeks, my partner and I have discussed a plethora of different topics, and a common theme is how the government should regulate the technology industry without stalling its growth. Yet aside from the child pornography case, neither the courts nor congress has addressed any of the issues we discussed. There are no updated laws governing privacy in the technological age, or certainly no grander laws established to regulate many problematic issues present in the technological age surrounding technologies limiting personal privacy.

So why were the laws surrounding file-sharing addressed so quickly by congress, while the actual important laws regarding personal privacy are yet to be written? The simple answer is private interest groups. As the authors explain, many of the increasingly severe laws, punishing infringers ever more drastically passed after 1976, were “motivated largely by prompting from the RIAA and the MPAA” (199). As sad as it is, the reality is that the laws that get past are the laws that benefit the big business. The interest groups donate to the politicians’ campaigns in return for laws that are kind to their industry. The only way to get anything accomplished in Congress today is to have money.
Bibliography