

Creation Myths

Three Centuries of Open Source and Copyright

Karl Fogel

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What is the
purpose of
copyright?

QuestionCopyright.org/public_perception_of_copyright







*Printing
is
hard work.*



*Printing
is
hard work.*

*(Let's go
shopping.)*

Arrival of the Printing Press (1474)

- Old works
- New works
- Translations (of everything)
- Anthologies, rearrangements
- Divergent texts
- Political pamphlets
- Plagiarism
- *Reverse* plagiarism

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Company of Stationers (1554 – appx 1688)

- Private, for-profit information police force
- Works entered into Company's register under the name of the Stationer, not the author
- No distinction between old and new works
- Authors sometimes paid on commission basis
- Proto-copyright among Company members



www.stationers.org

The Hall



The Stationers' and Newspaper Makers' Company

The Company





*Revolution of
1688 / 1689*

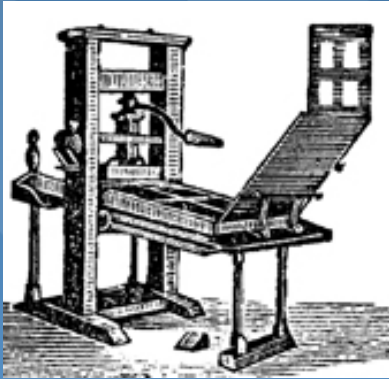
*(“Glorious
Revolution”)*



Freedom of the Press Arrives!

Freedom of the Press Arrives!

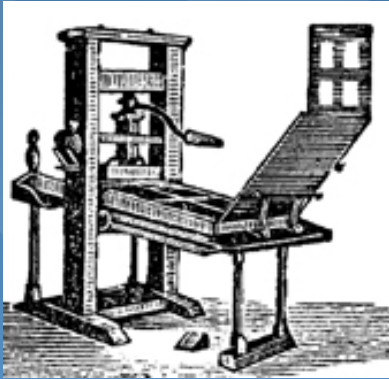
(This is a disaster.)



+



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+



= €€€



+



= £££

Anno Octavo
Annæ Reginae.

An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.



Whereas Printers, Booksellers, and other Persons have of late frequently taken the Liberty of Printing, Reprinting, and Publishing, or causing to be Printed, Reprinted, and Published Books, and other Writings, without the Consent of the Authors or Proprietors of such Books and Writings, to their very great Detriment, and too often to the Ruin of them and their Families: For Preventing therefore such Practices for the future, and for the

Encouragement of Learned Men to Compose and Write useful Books: May it please Your Majesty, that it may be Enacted, and be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Tenth Day of April, One thousand seven hundred and ten, the Author of any Book or Books already Printed, who hath not Transferred to any other the Copy or Copies of such Book or Books, Share or Shares thereof, or the Bookseller or Booksellers, Printer or Printers, or other Person or Persons, who hath or have Purchased or Acquired the Copy or Copies of any Book or Books, in order to Print or Reprint the same, shall have the sole Right and Liberty of Printing such Book and Books for the Term of One and twenty Years, to Commence from the said Tenth Day of April, and no longer; and that the Author of any Book or Books already Composed and not Printed and Published, or that shall hereafter be Composed, and his Assignce, or Assigns, shall have the sole Liberty of Printing and Reprinting such Book and Books for the Term of Four-

Arrival of the Printing Press (1474)

- Old works
- New works
- Translations (of everything)
- Anthologies, rearrangements
- Divergent texts
- Political pamphlets
- Plagiarism
- *Reverse* plagiarism

The Copyright Interregnum (1709 – appx yesterday afternoon)

- Old works (some free, some restricted)
- New works (static – few derivatives)
- Translations (if rights can be negotiated)
- Anthologies (if rights can be negotiated)
- Divergent texts (usually not permitted)
- Political pamphlets (continued as before)
- Plagiarism (mostly gone)
- *Reverse* plagiarism (gone)

Arrival of the Printing Press (1474)

- Old works
- New works
- Translations (of everything)
- Anthologies, rearrangements
- Divergent texts
- Political pamphlets
- Plagiarism
- *Reverse* plagiarism

Arrival of the Internet

- Old works *...now coming online*
- New works *...common; derivatives okay too*
- Translations (of everything) *...yes*
- Anthologies, rearrangements *...yes*
- Divergent texts *...easily detectable*
- Political pamphlets *...yes, more than ever*
- Plagiarism *...gone (cf. the Joyce Hatto case)*
- ~~Reverse~~ plagiarism *...gone*

Arrival of the Internet

- Old works *...now coming online*
- New works *...common; derivatives okay too*
- Translations (of everything) *...yes*
- Anthologies, rearrangements *...yes*
- Divergent texts *...easily detectable*
- Political pamphlets *...hello, blogosphere!*
- Plagiarism *...gone (cf. the Joyce Hatto case)*
- ~~Reverse~~ plagiarism *...gone*



(prehistory)

(today)

mastodons



(prehistory)

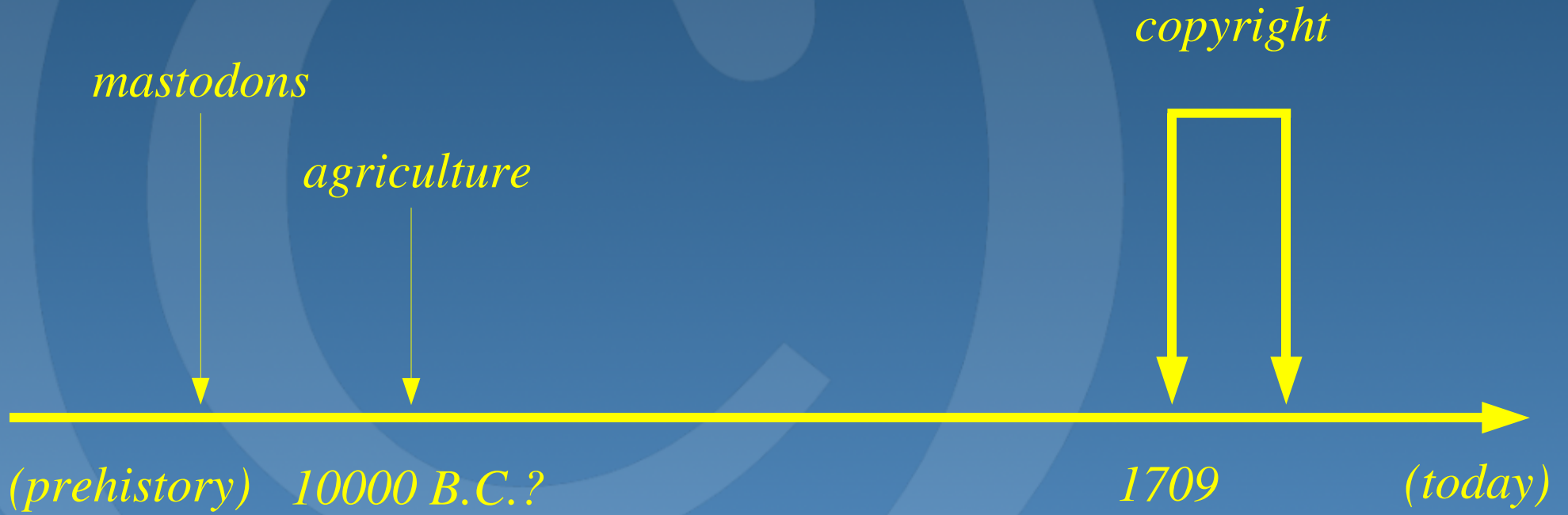
(today)

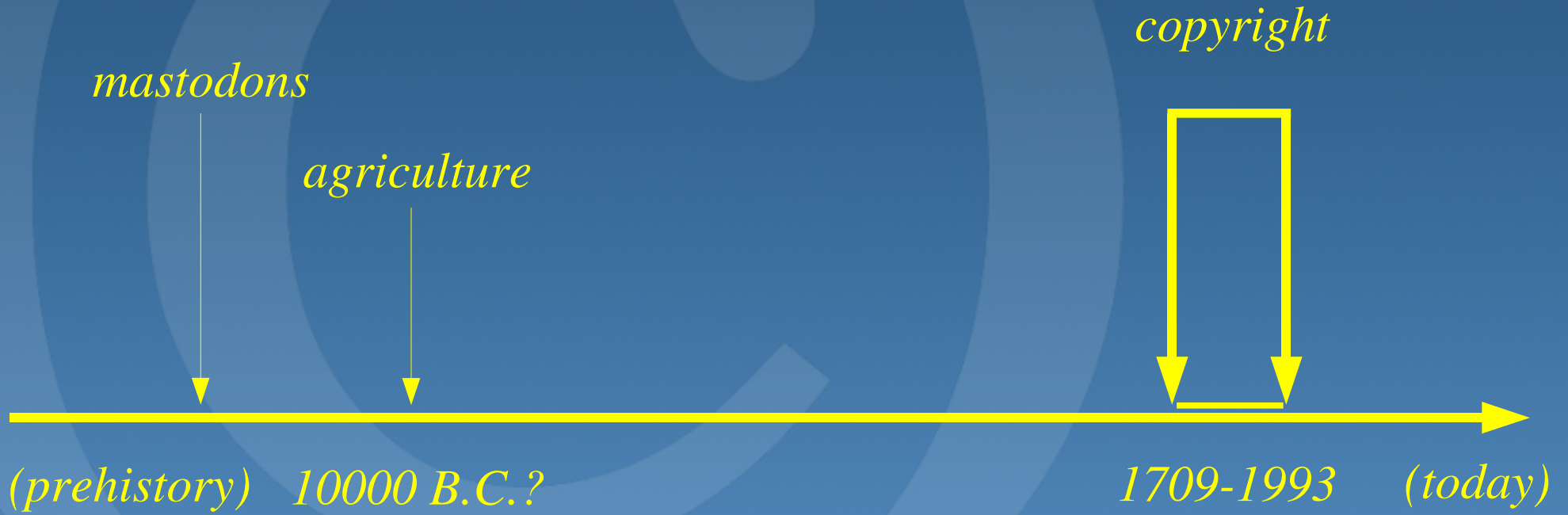
mastodons

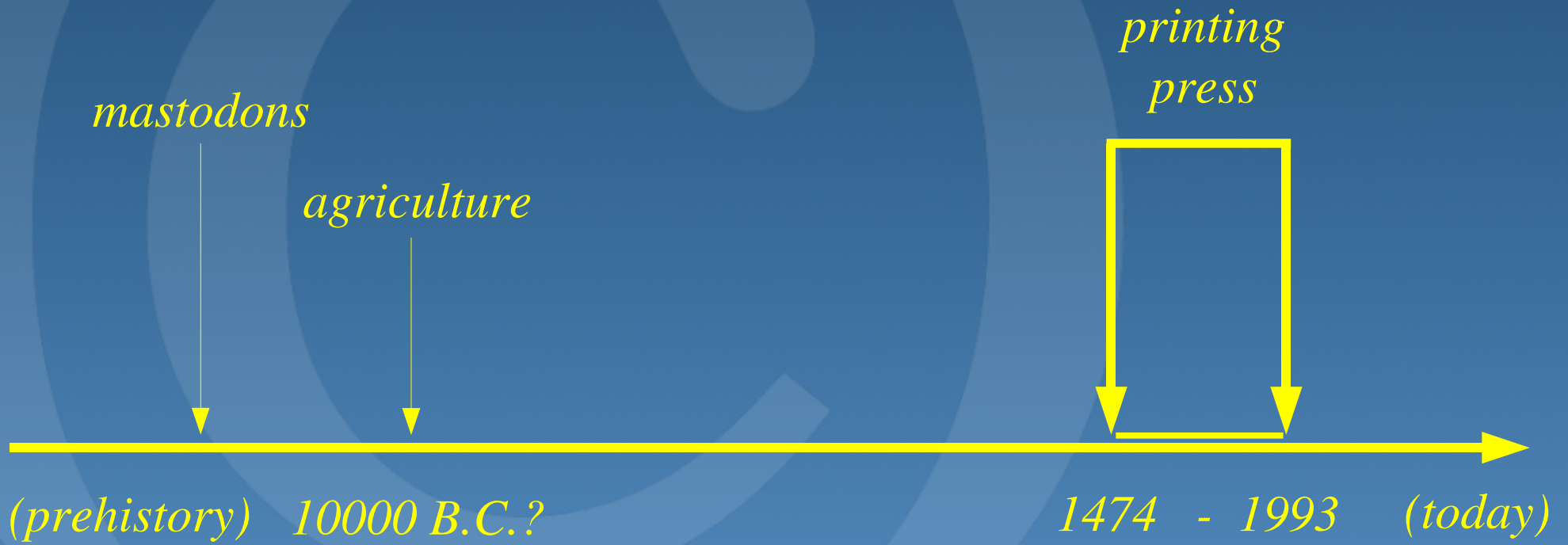
agriculture

(prehistory) 10000 B.C.?

(today)









This is not a coincidence.

Don't forget to flatter the audience, Karl.

*Copyright was designed
to support replication,
not creation.*

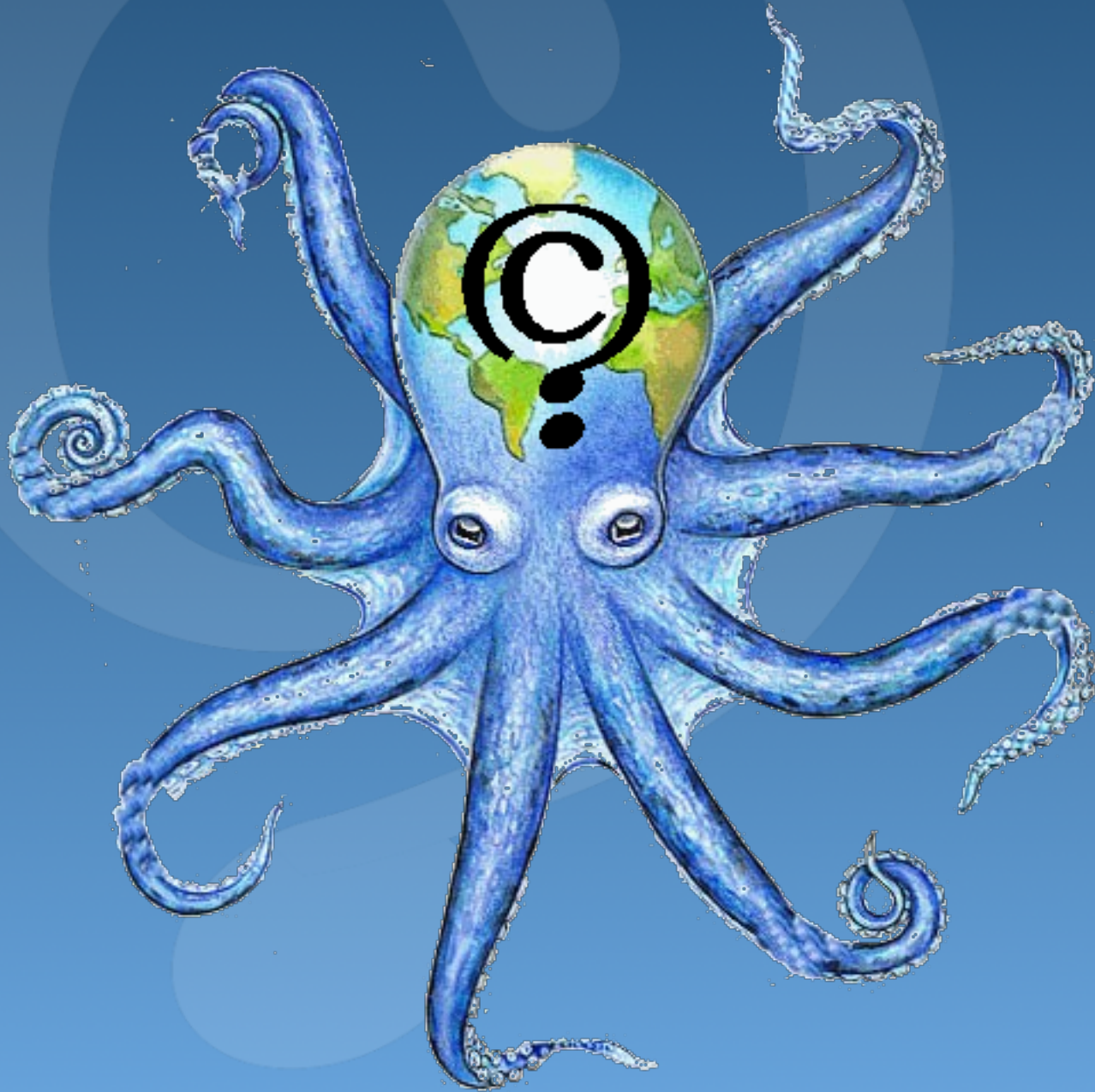
But how will artists make a living?

But how will artists make a living?

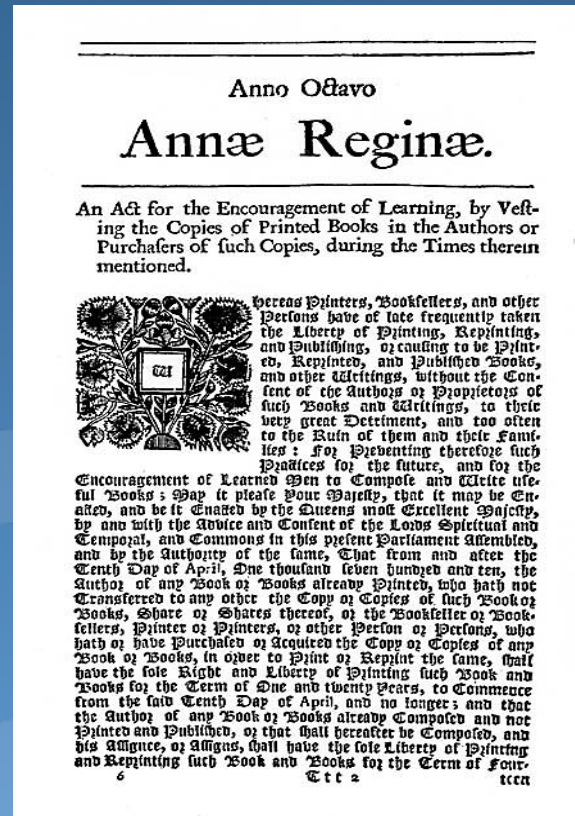
*The same ways they always have!
(not from copyright royalties)*

*Copyright was designed
to support replication,
not creation.*



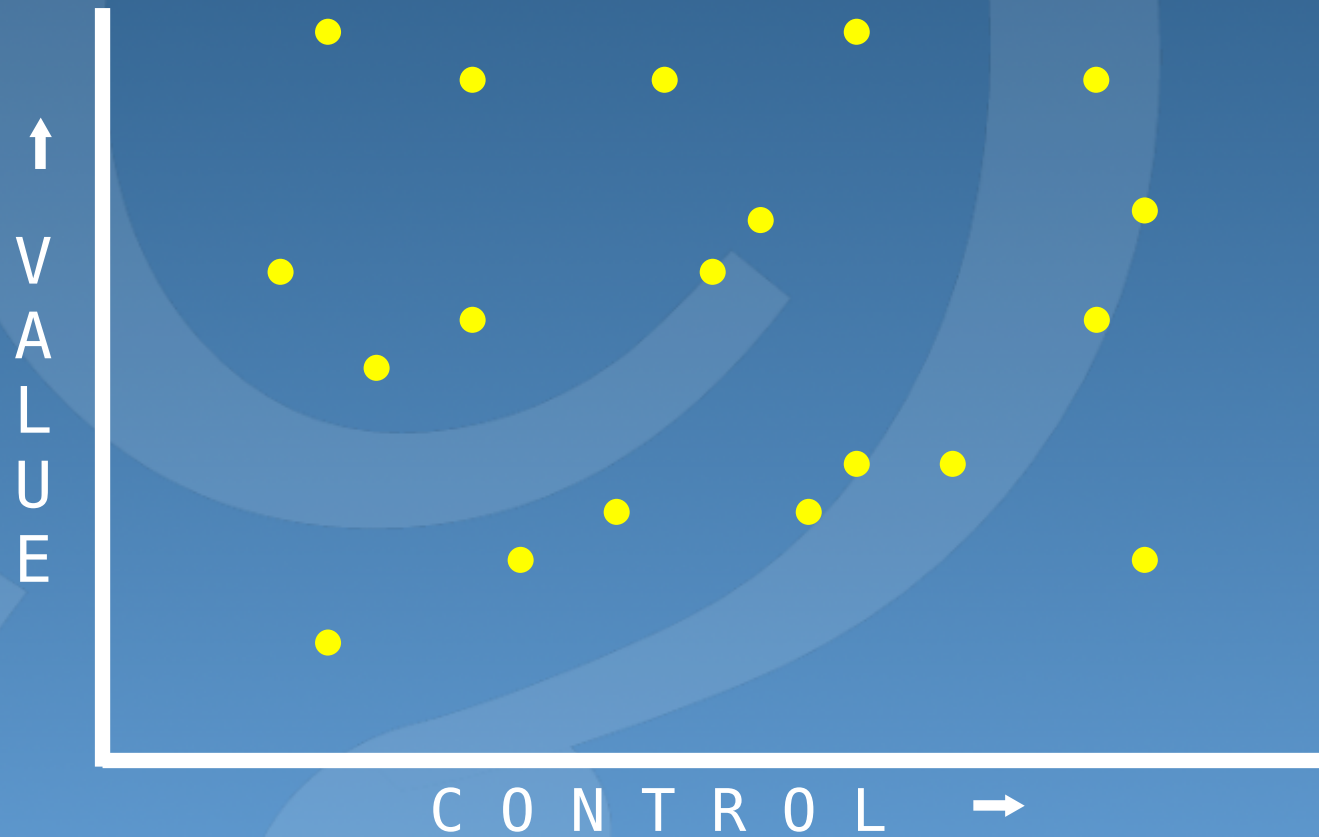


The Balanced Buyout System



QuestionCopyright.org/balanced_buyout

The Balanced Buyout System



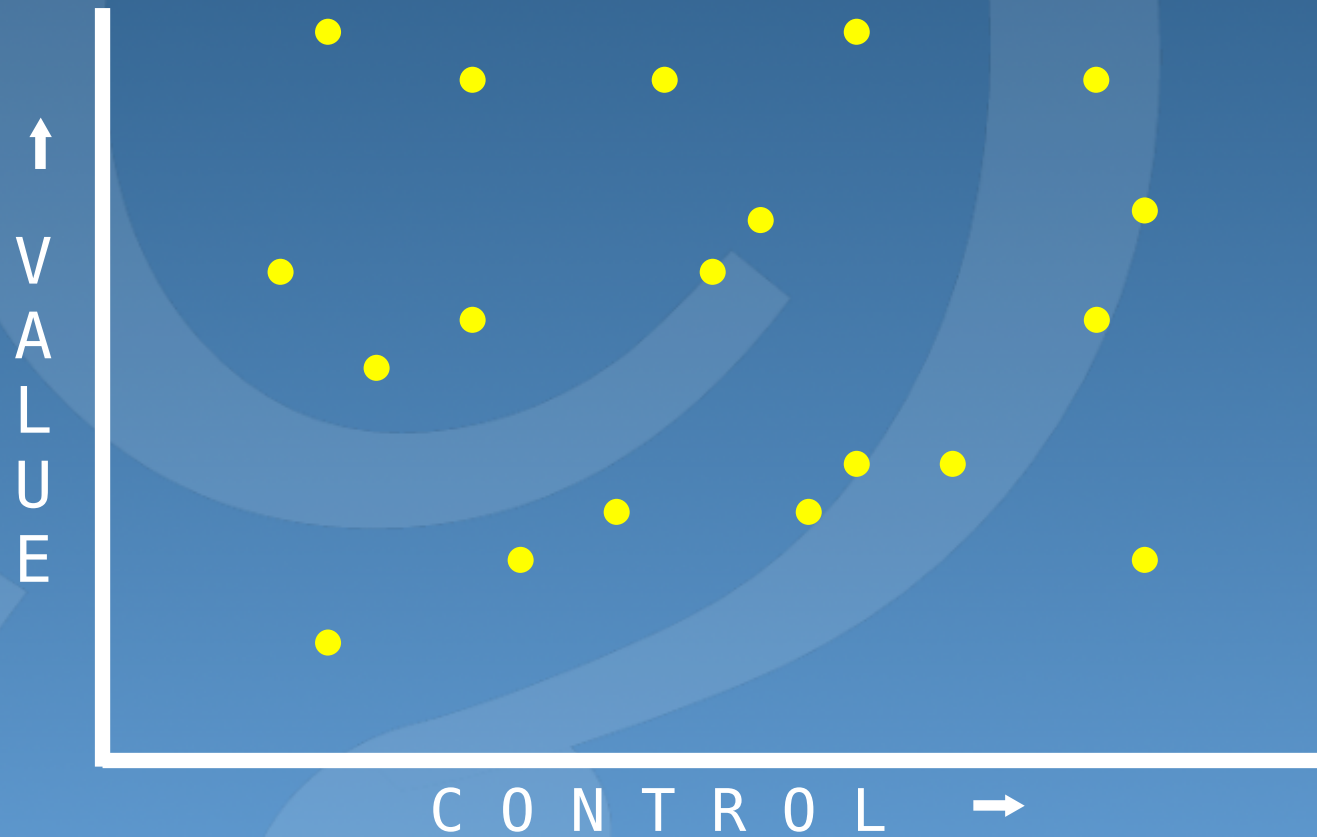
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The Balanced Buyout System



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The Balanced Buyout System



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The “Fund and Release” System



QuestionCopyright.org/promise#fund_and_release

The “Fund and Release” System

fundable.org
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“Fund and Release”



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The “Author-Approved” Mark



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The “Author-Approved” Mark



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QuestionCopyright.org/author_approved_mark

Economic Models

- Look at the first 100 years of printing...
- ...then subtract the problems:
 - the Net *defeats plagiarism*
 - the Net *promotes reliability*
- Information beats control
- “Free” is a platform for selling authenticity

What are publishers?

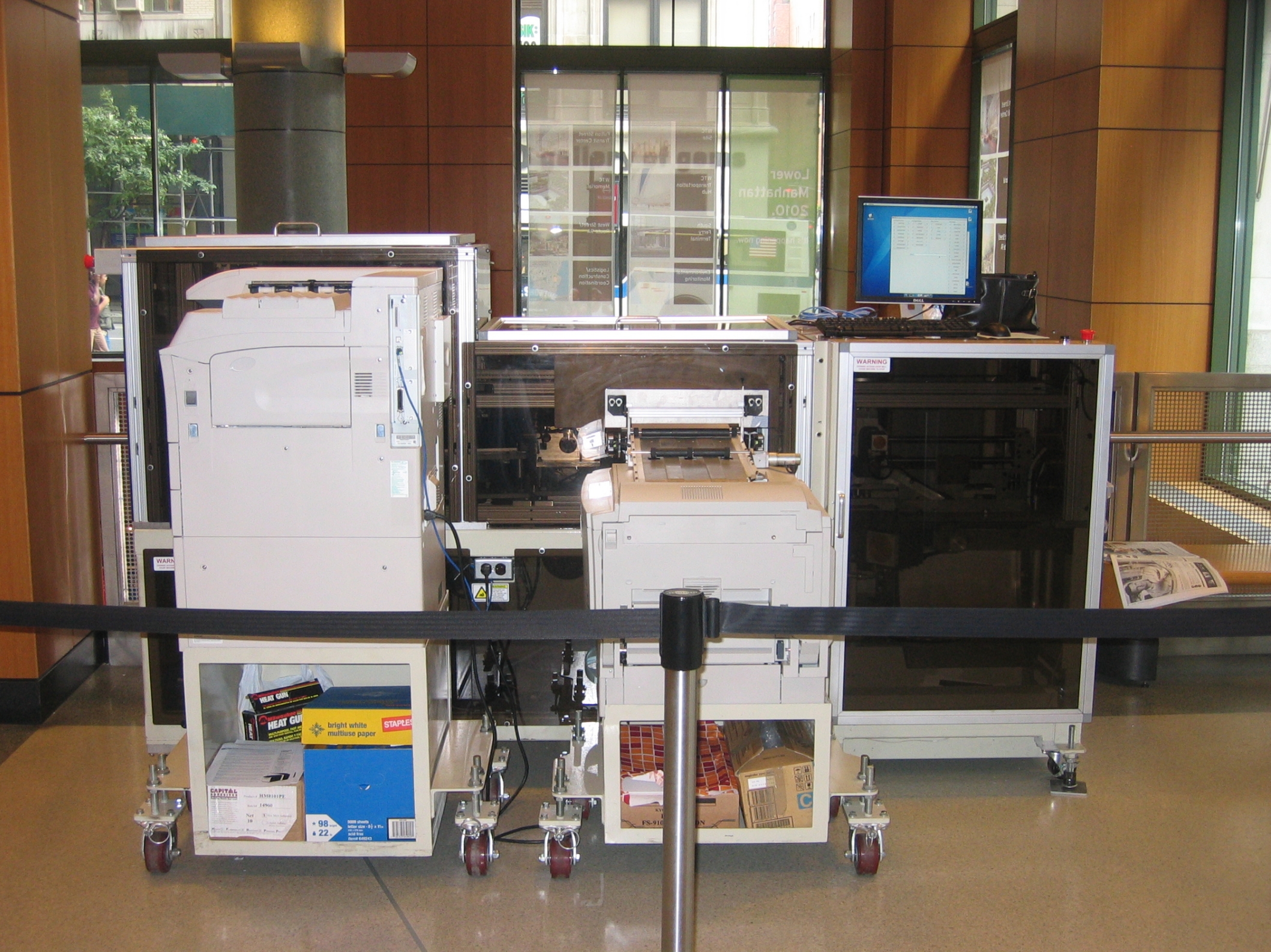
What are publishers?

endorsing authorities

What are publishers?

endorsing authorities

authenticity providers





INTERNET

ARCHIVE

Three Famous Short Novels

Three Famous Short Novels

by
WILLIAM FAULKNER

SPOTTED HORSES
OLD MAN
THE BEAR



VINTAGE BOOKS
A DIVISION OF RANDOM HOUSE
New York



The “Author-Approved” Mark

Mark Helprin Subscribers

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More Fries With That...

- Don't manufacture...
- ...harvest!
- Version control, snapshots
 - e.g., worldwidelexicon.org
- Panning for gold in fan fiction
 - e.g., Christopher Tolkien's missed opportunity

Attribution Conventions

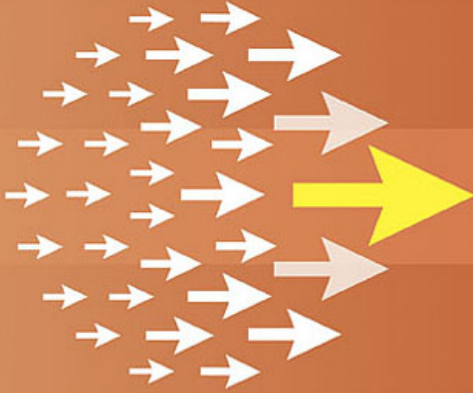
copyright \neq trademark

copyright violation \neq plagiarism

Volunteer Translation: A Case Study

**producing
open source
software**

Karl Fogel

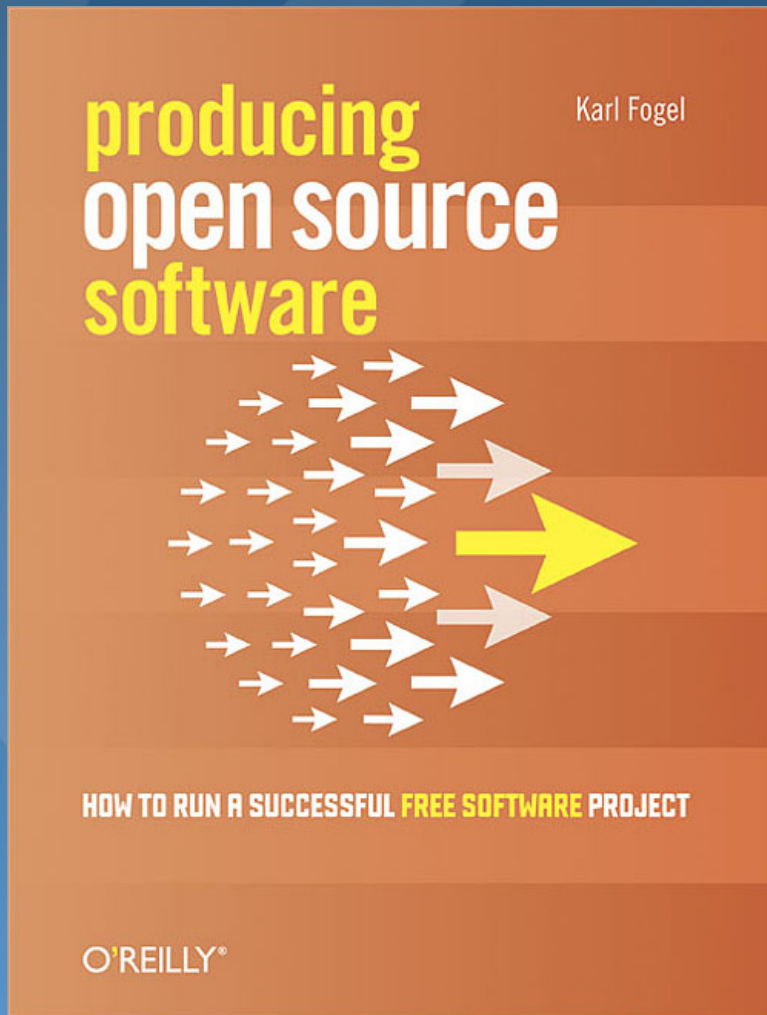


HOW TO RUN A SUCCESSFUL **FREE SOFTWARE** PROJECT

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Producing Open Source Software

How to Run a Successful Free Software Project

by Karl Fogel

Producing Open Source Software is a book about the human side of open source development. It describes how successful projects operate, the expectations of users and developers, and the culture of free software. It is available in bookstores and from the publisher ([O'Reilly Media](#)), or you can browse or download it here.

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by Karl Fogel

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Manuel Barkhau, Sebastian Menge
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Producing Open Source Software

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Producing Open Source Software

How to Run a Successful Free Software Project

Karl Fogel

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Dedication

This book is dedicated to two dear friends without whom it would not have been possible: Karen Underhill and Jim Blandy.

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Produktion von Open Source Software

Wie man ein erfolgreiches freies Software Projekt führt

Karl Fogel

(Author)

Manuel Barkhau

(Deutsche Übersetzung)

Sebastian Menge

(Deutsche Übersetzung)

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Widmung

Producir Software de Código Abierto

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Producir Software de Código Abierto

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Alejandro Ayuso

(Translator)

José Manuel Puerta Peña

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(Translator)

Produire un Logiciel Libre

[Suivant](#)

Produire un Logiciel Libre

Comment Diriger avec Succès un Projet de Logiciel Libre

Karl Fogel

(Auteur)

Étienne Savard

(Traducteur)

Bertrand Florat

(Traducteur)

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Dédicace

Ce livre est dédié à deux amis chers sans qu'il n'aurait pu être possible: Karen Underbill et Jim

Optimize For Participation

- Make it easy and they will come
- Ensure accurate attribution:
 - *No monopoly* on content
 - *Exclusive monopoly* on attribution
- Consensus vs divergence

Optimize For Participation

- Make it easy and they will come
- Ensure accurate attribution:
 - *No monopoly* on content
 - *Exclusive monopoly* on attribution
- Consensus vs divergence

You can do this much better than I did it...

親友である *Karen Underhill* と *Jim Blandy* に本書をささげます。ふたりがいなければ、本書を完成させることはできなかったでしょう。

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Creation Myths

Three Centuries of Open Source and Copyright

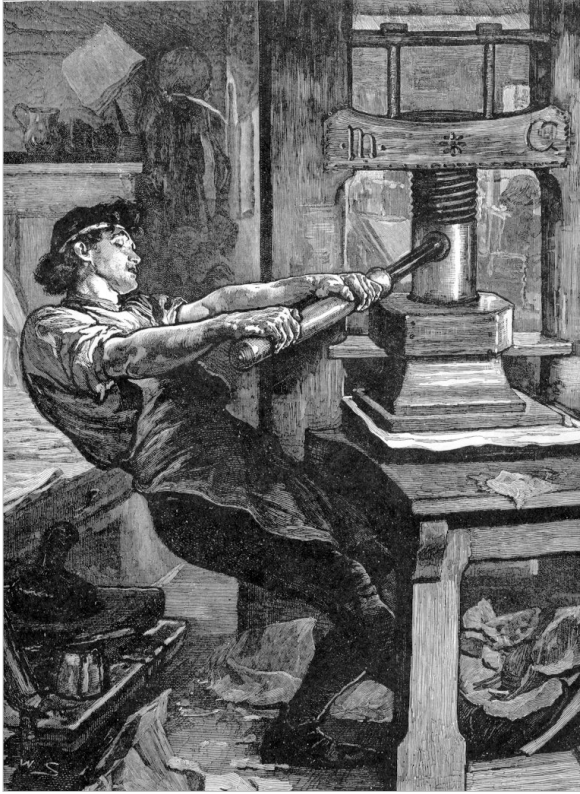
Karl Fogel

kfogel@questioncopyright.org



QuestionCopyright.org/public_perception_of_copyright







*Printing
is
hard work.*

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*Printing
is
hard work.*

*(Let's go
shopping.)*

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Arrival of the Printing Press (1474)

- Old works
- New works
- Translations (of everything)
- Anthologies, rearrangements
- Divergent texts
- Political pamphlets
- Plagiarism
- *Reverse* plagiarism

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Arrival of the Printing Press (1474)

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- Divergent texts
- **Political pamphlets**
- Plagiarism
- *Reverse* plagiarism

Company of Stationers (1554 – appx 1688)

- Private, for-profit information police force
- Works entered into Company's register under the name of the Stationer, not the author
- No distinction between old and new works
- Authors sometimes paid on commission basis
- Proto-copyright among Company members



www.stationers.org

The Hall



The Stationers' and Newspaper Makers' Company

The Company





*Revolution of
1688 / 1689*

*(“Glorious
Revolution”)*

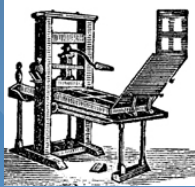
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Freedom of the Press Arrives!

Freedom of the Press Arrives!

(This is a disaster.)



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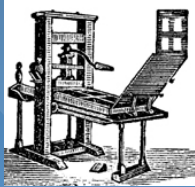
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Anno O⁸avo

Annæ Reginae.

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Whereas Printers, Bookellers, and other Persons have of late frequently taken the Liberty of Printing, Reprinting, and Publishing, or causing to be Printed, Reprinted, and Published Books, and other Writings, without the Consent of the Author or Proprietors of such Books and Writings, to their very great Detriment, and too often to the Ruin of them and their Families: For Preventing therefore such Practices for the future, and for the Encouragement of Learned Men to Compose and Write useful Books: May it please Your Majesty, that it may be Enacted, and be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of April, One thousand seven hundred and ten, the Author of any Book or Books already Printed, who hath not Transferred to any other the Copy or Copies of such Book or Books, Share or Shares thereof, or the Bookeller or Bookellers, Printer or Printers, or other Person or Persons, who hath or have Purchased or acquired the Copy or Copies of any Book or Books, in order to Print or Reprint the same, shall have the sole Right and Liberty of Printing such Book or Books for the Term of One and twenty Years, to Commence from the said Tenth Day of April, and no longer; and that the Author of any Book or Books already Composed and not Printed and Published, or that shall hereafter be Composed, and the Assignee, or Assignees shall have the sole Liberty of Printing and Reprinting such Book and Books for the Term of Four-

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Arrival of the Printing Press (1474)

- Old works
- New works
- Translations (of everything)
- Anthologies, rearrangements
- Divergent texts
- Political pamphlets
- Plagiarism
- *Reverse* plagiarism

The Copyright Interregnum (1709 – appx yesterday afternoon)

- Old works (some free, some restricted)
- New works (static – few derivatives)
- Translations (if rights can be negotiated)
- Anthologies (if rights can be negotiated)
- Divergent texts (usually not permitted)
- Political pamphlets (continued as before)
- Plagiarism (mostly gone)
- *Reverse* plagiarism (gone)

Arrival of the Printing Press (1474)

- Old works
- New works
- Translations (of everything)
- Anthologies, rearrangements
- Divergent texts
- Political pamphlets
- Plagiarism
- *Reverse* plagiarism

Arrival of the Internet

- Old works *...now coming online*
- New works *...common; derivatives okay too*
- Translations (of everything) *...yes*
- Anthologies, rearrangements *...yes*
- Divergent texts *...easily detectable*
- Political pamphlets *...yes, more than ever*
- Plagiarism *...gone (cf. the Joyce Hatto case)*
- *Reverse* plagiarism *...gone*

Arrival of the Internet

- Old works *...now coming online*
- New works *...common; derivatives okay too*
- Translations (of everything) *...yes*
- Anthologies, rearrangements *...yes*
- Divergent texts *...easily detectable*
- Political pamphlets *...hello, blogosphere!*
- Plagiarism *...gone (cf. the Joyce Hatto case)*
- ~~Reverse~~ plagiarism *...gone*

(prehistory)

(today)

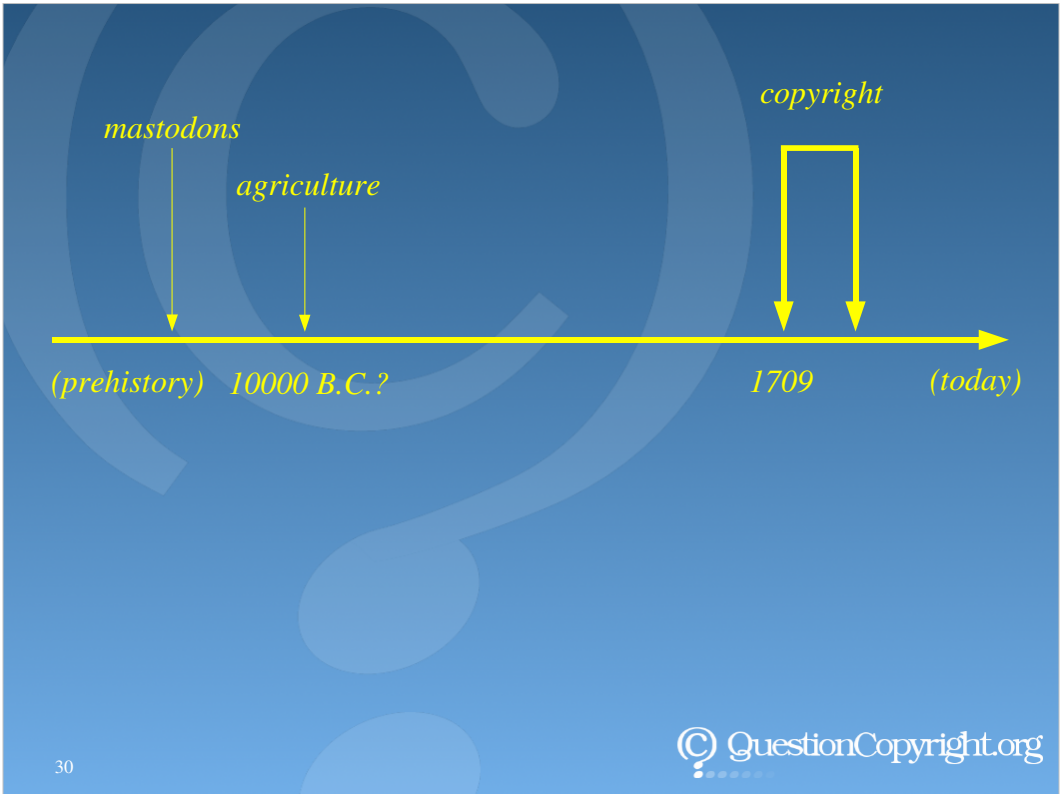
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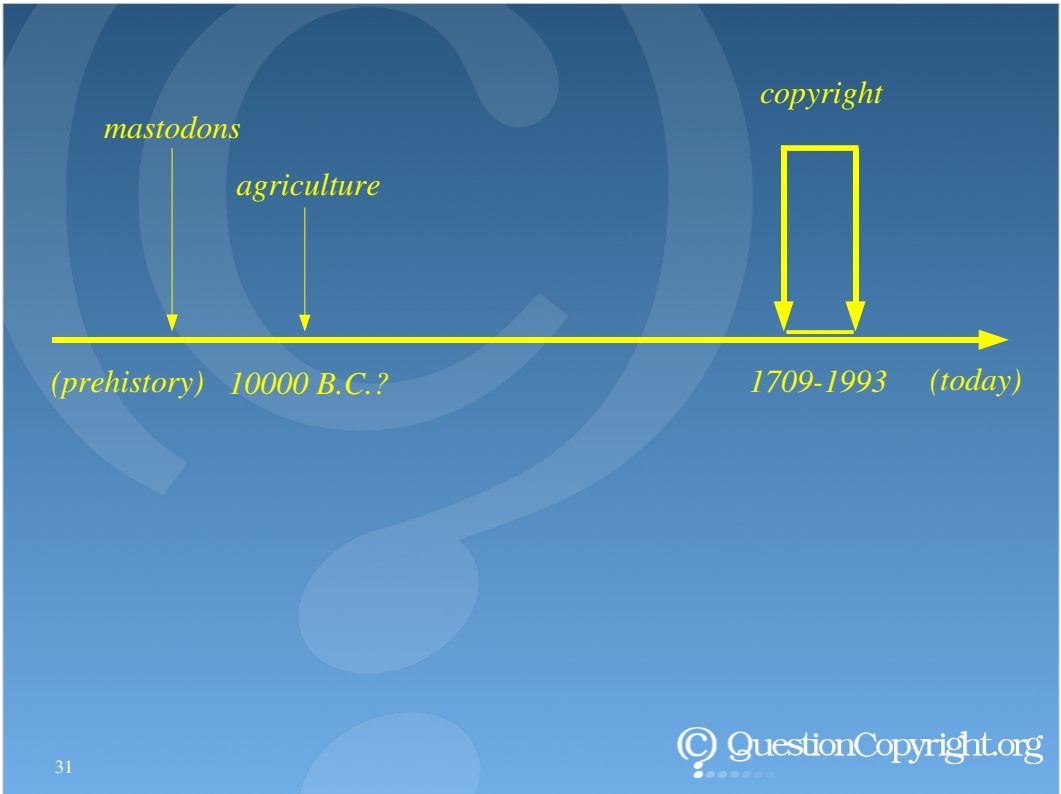


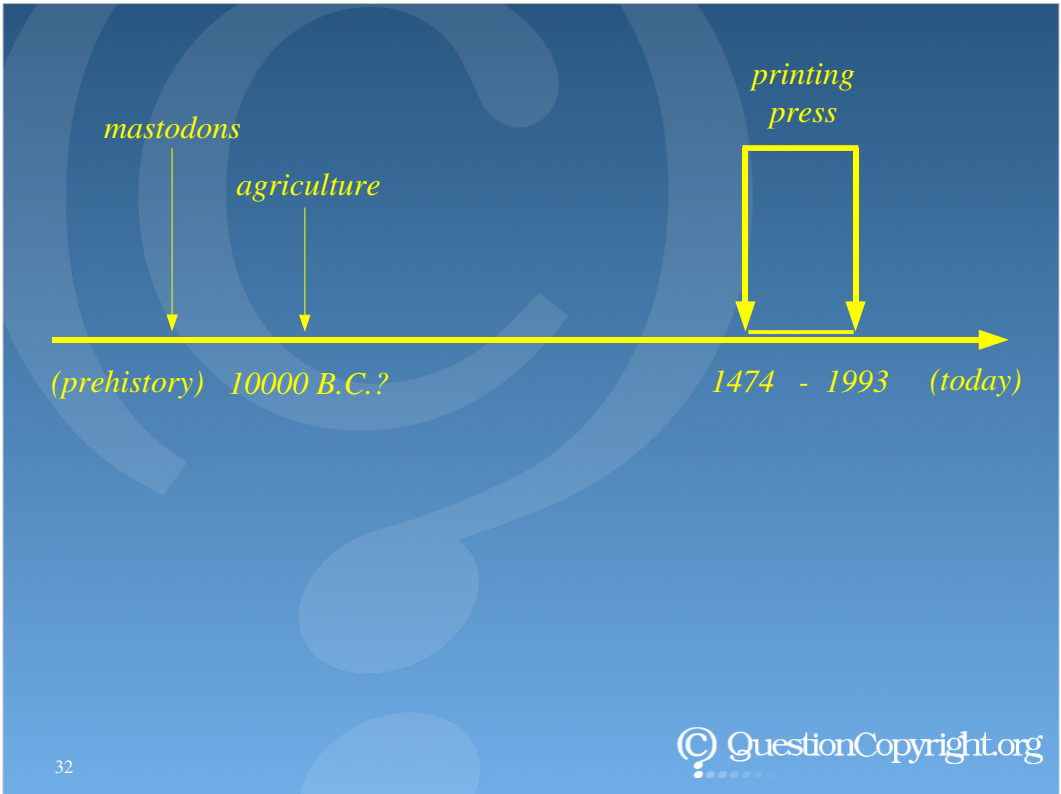
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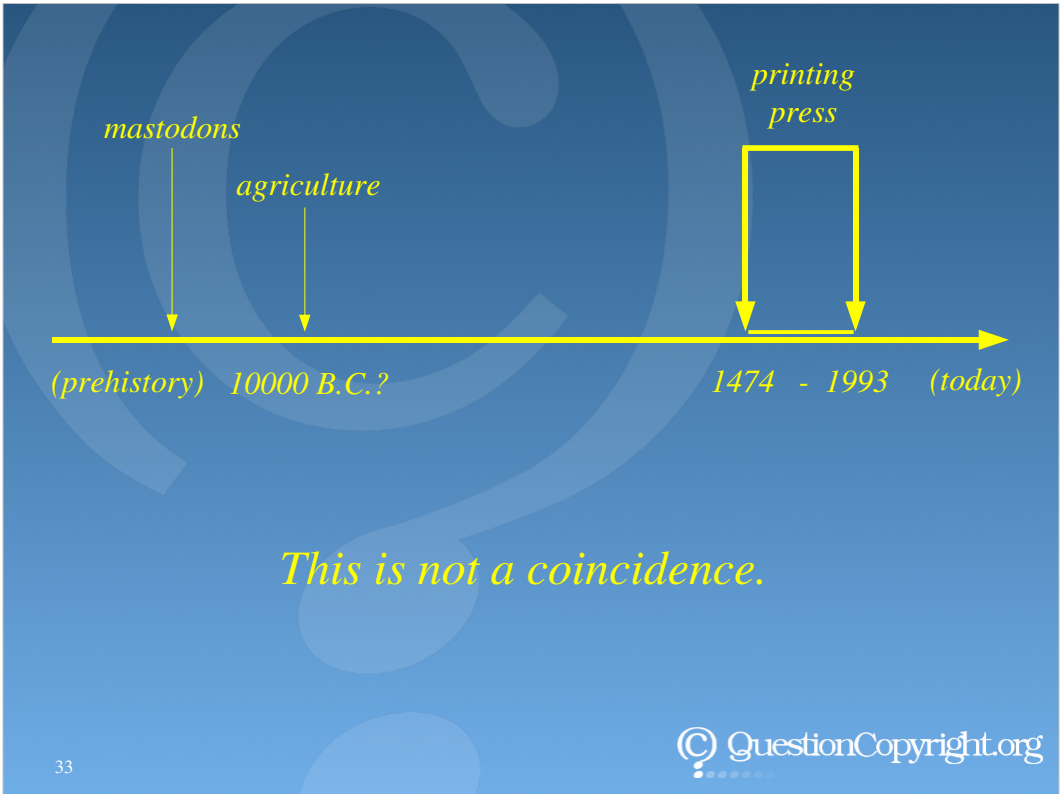
agriculture











Don't forget to flatter the audience, Karl.

*Copyright was designed
to support replication,
not creation.*

But how will artists make a living?

But how will artists make a living?

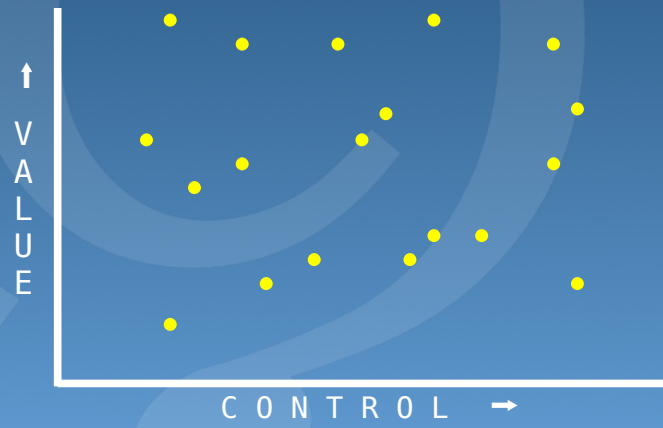
*The same ways they always have!
(not from copyright royalties)*

*Copyright was designed
to support replication,
not creation.*





The Balanced Buyout System



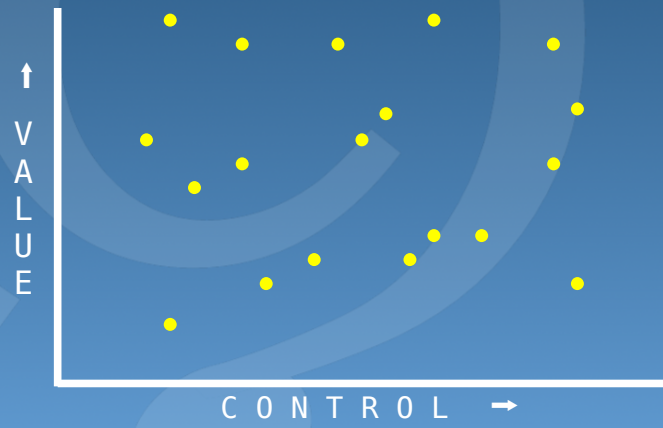
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The Balanced Buyout System



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The “Fund and Release” System



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The “Fund and Release” System

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“Fund and Release”



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The “Author-Approved” Mark



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Economic Models

- Look at the first 100 years of printing...
- ...then subtract the problems:
 - the Net *defeats plagiarism*
 - the Net *promotes reliability*
- Information beats control
- “Free” is a platform for selling authenticity

What are publishers?

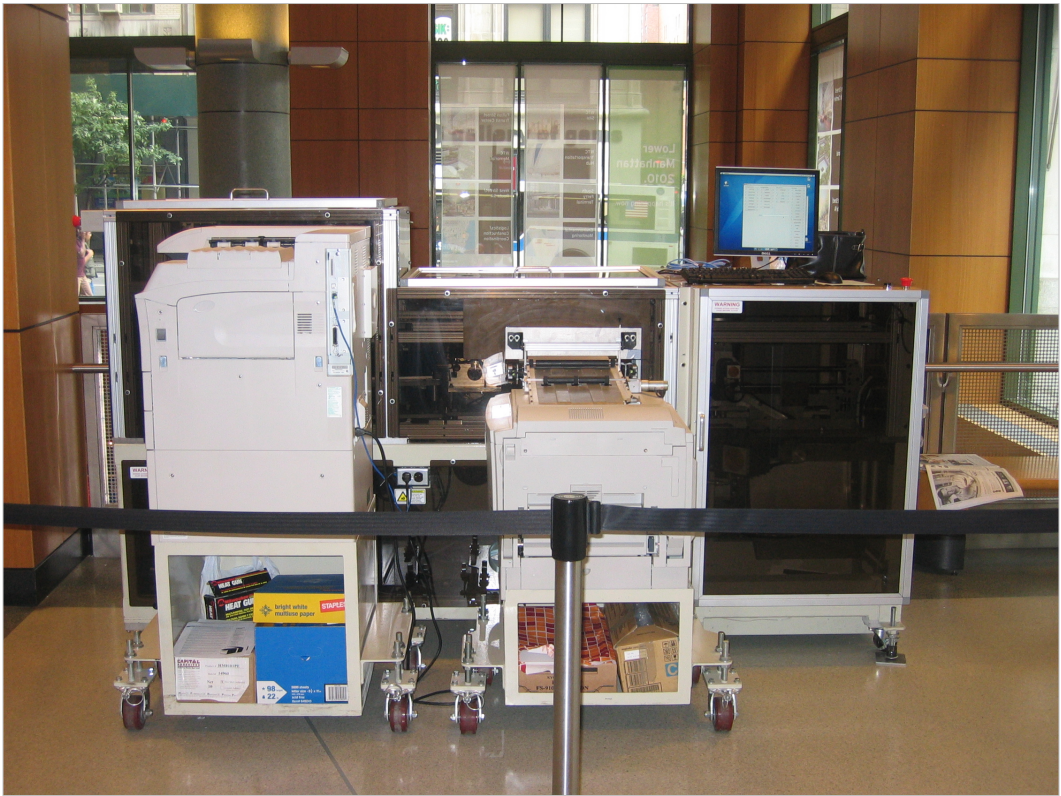
What are publishers?

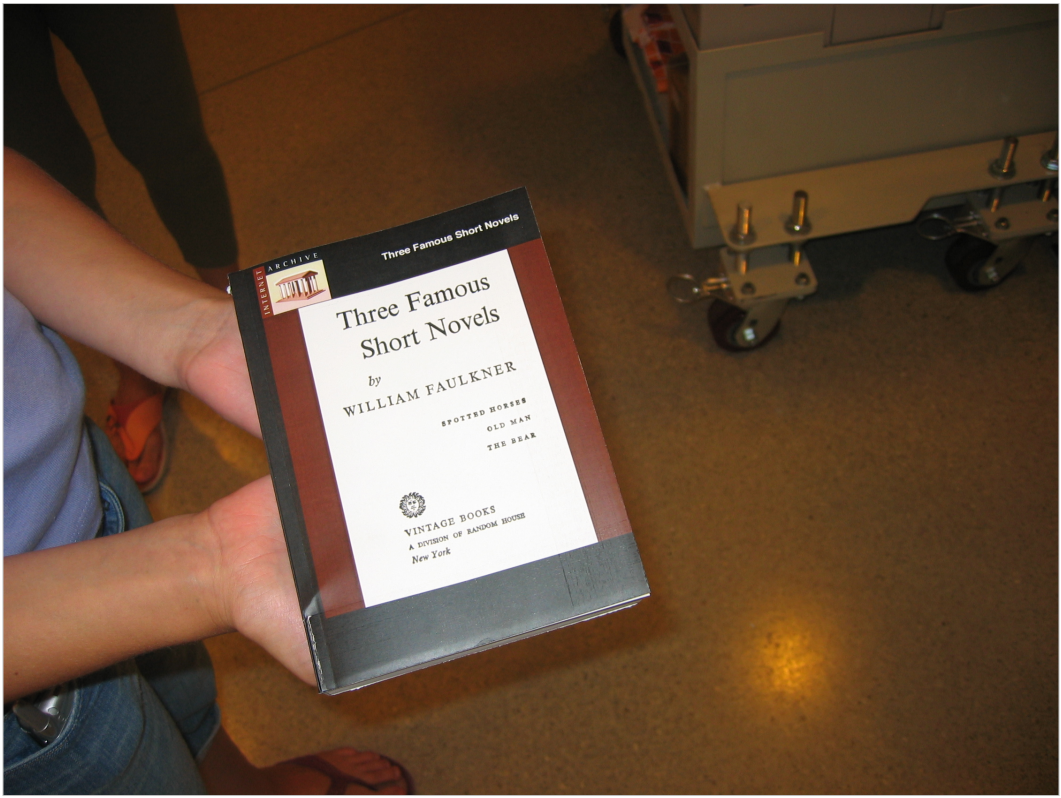
endorsing authorities

What are publishers?

endorsing authorities

authenticity providers





Three Famous Short Novels
by
WILLIAM FAULKNER
SPOTTED HORSES
OLD MAN
THE BEAR
VINTAGE BOOKS
A DIVISION OF RANDOM HOUSE
New York



The “Author-Approved” Mark

Mark Helprin *Subscribers*

Wang Ling
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Joe Orton
Greg Hudson
Marie Fitzpatrick
Daniel Stenberg
Amy Pilato
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More Fries With That...

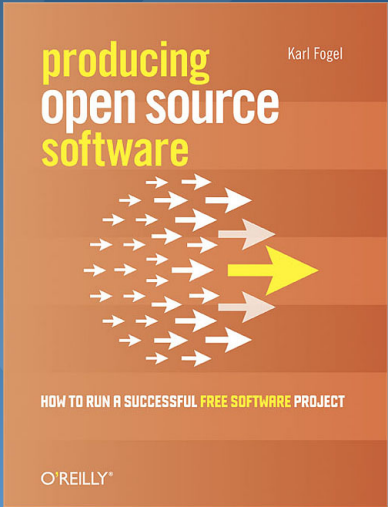
- Don't manufacture...
- ...harvest!
- Version control, snapshots
 - e.g., worldwidelexicon.org
- Panning for gold in fan fiction
 - e.g., Christopher Tolkien's missed opportunity

Attribution Conventions

copyright ≠ trademark

copyright violation ≠ plagiarism

Volunteer Translation: A Case Study



“Producing Open Source Software”

producingoss.com



“Producing Open Source Software”

*Open Licence →
Open Community*

producingoss.com

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Producing Open Source Software

How to Run a Successful Free Software Project

by [Karl Fogel](#)

Producing Open Source Software is a book about the human side of open source development. It describes how successful projects operate, the expectations of users and developers, and the culture of free software. It is available in bookstores and from the publisher ([O'Reilly Media](#)), or you can browse or download it here.

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Producing Open Source Software

How to Run a Successful Free Software Project

by **Karl Fogel**

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Producing Open Source Software is a book about the human side of open source development. It describes how successful projects operate, the expectations of users and developers, and the culture of free software. It is available in bookstores and from the publisher ([O'Reilly Media](#)), or you can browse or download it here.

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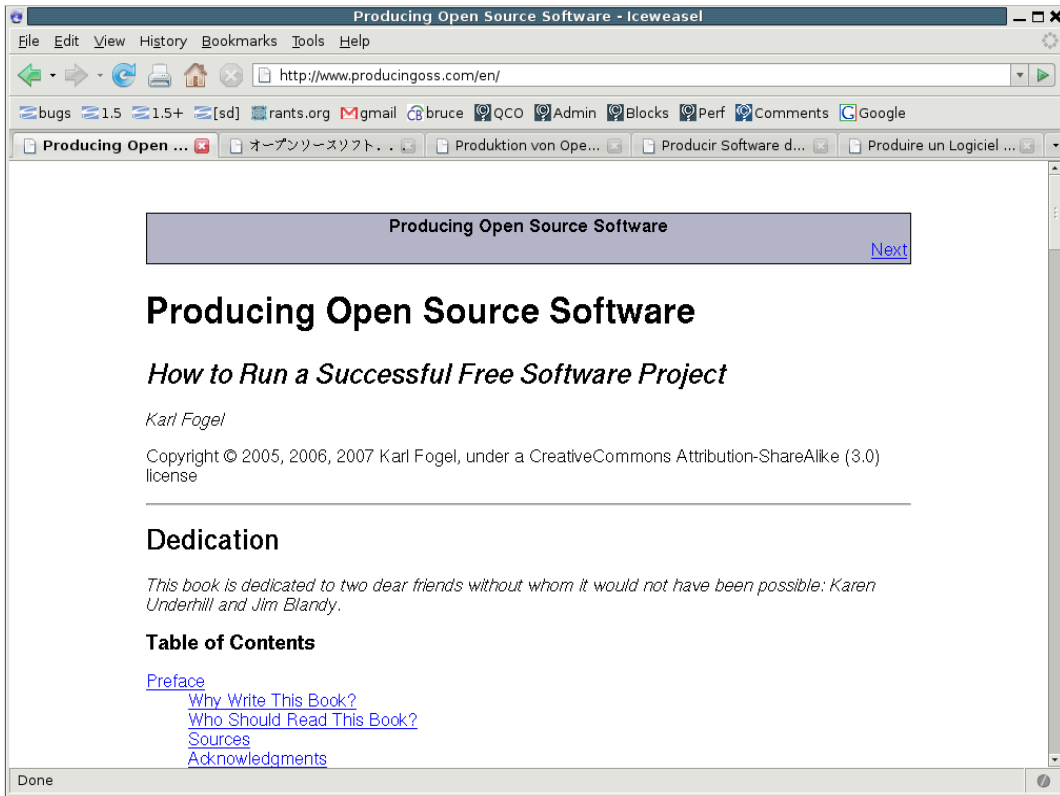


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Fogel Karl [FAMILY Given]
(著者)

高木 正弘 [FAMILY Given]
(翻訳者)

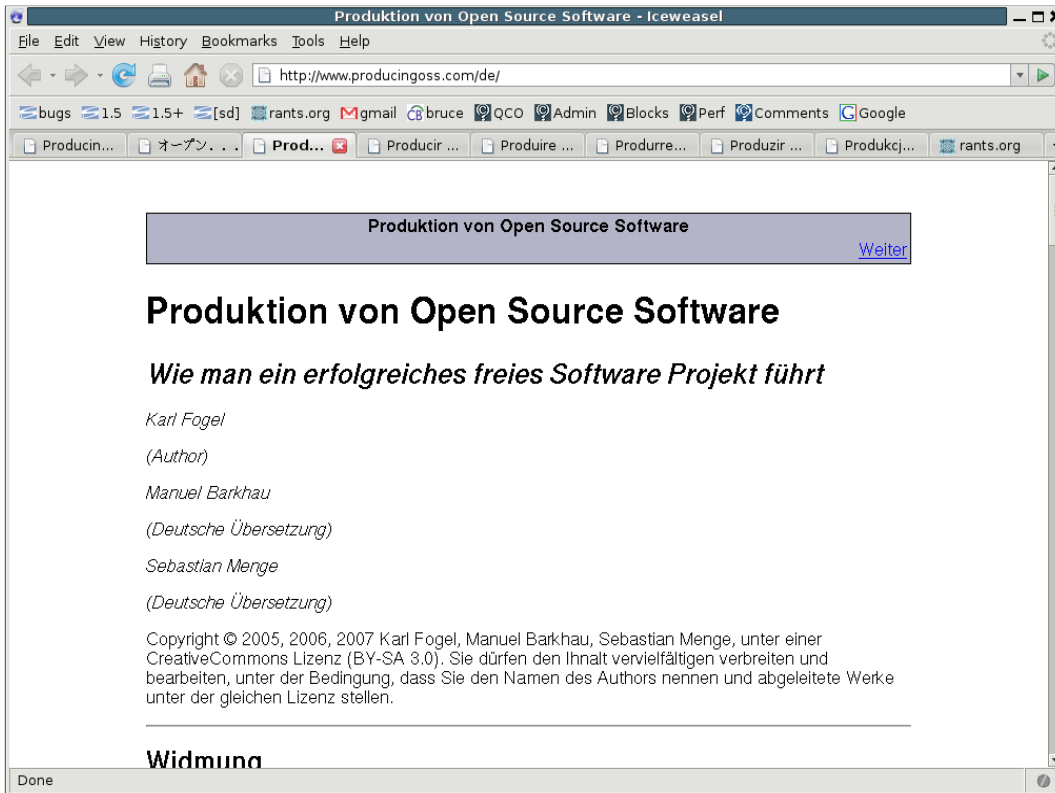
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(翻訳者)

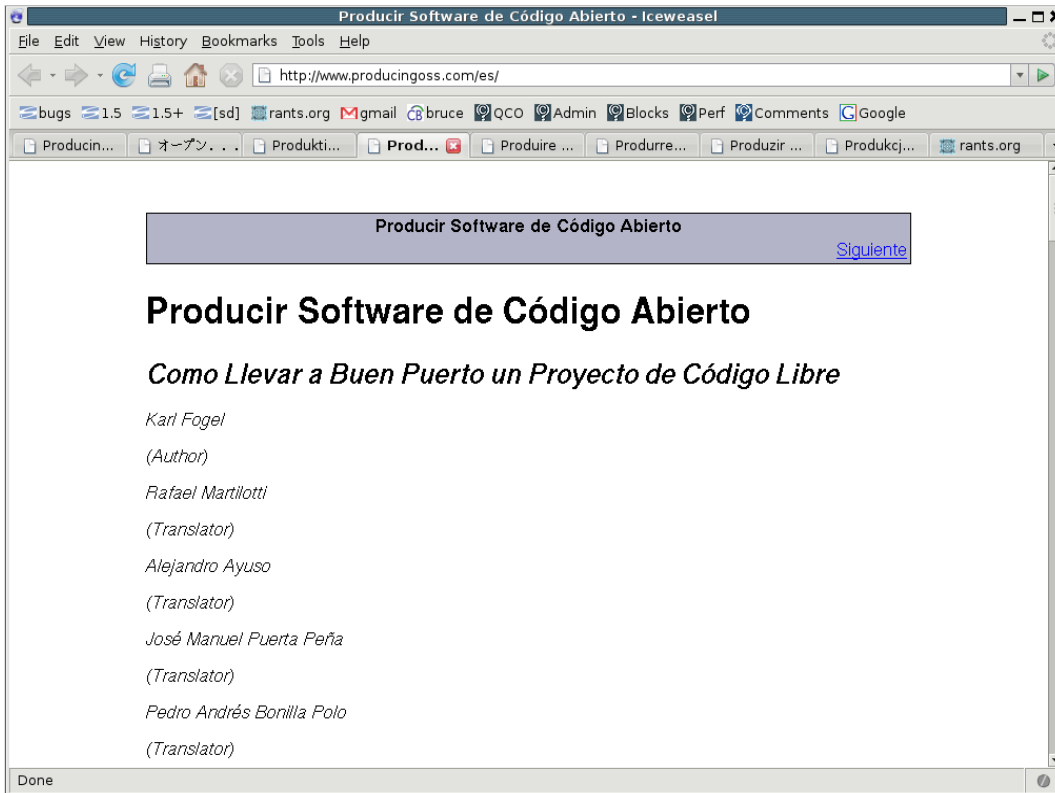
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Comment Diriger avec Succès un Projet de Logiciel Libre

Karl Fogel
(Auteur)

Étienne Savard
(Traducteur)

Bertrand Florat
(Traducteur)

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Dédicace

Ce livre est dédié à deux amis chers avec qui il devrait être possible: Kern Underhill et Jim

Done

Optimize For Participation

- Make it easy and they will come
- Ensure accurate attribution:
 - **No monopoly** on content
 - **Exclusive monopoly** on attribution
- Consensus vs divergence

Optimize For Participation

- Make it easy and they will come
- Ensure accurate attribution:
 - **No monopoly** on content
 - **Exclusive monopoly** on attribution
- Consensus vs divergence

You can do this much better than I did it...

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フリーソフトウェアプロジェクトを成功させるコツ

Fogel Karl [FAMILY Given]
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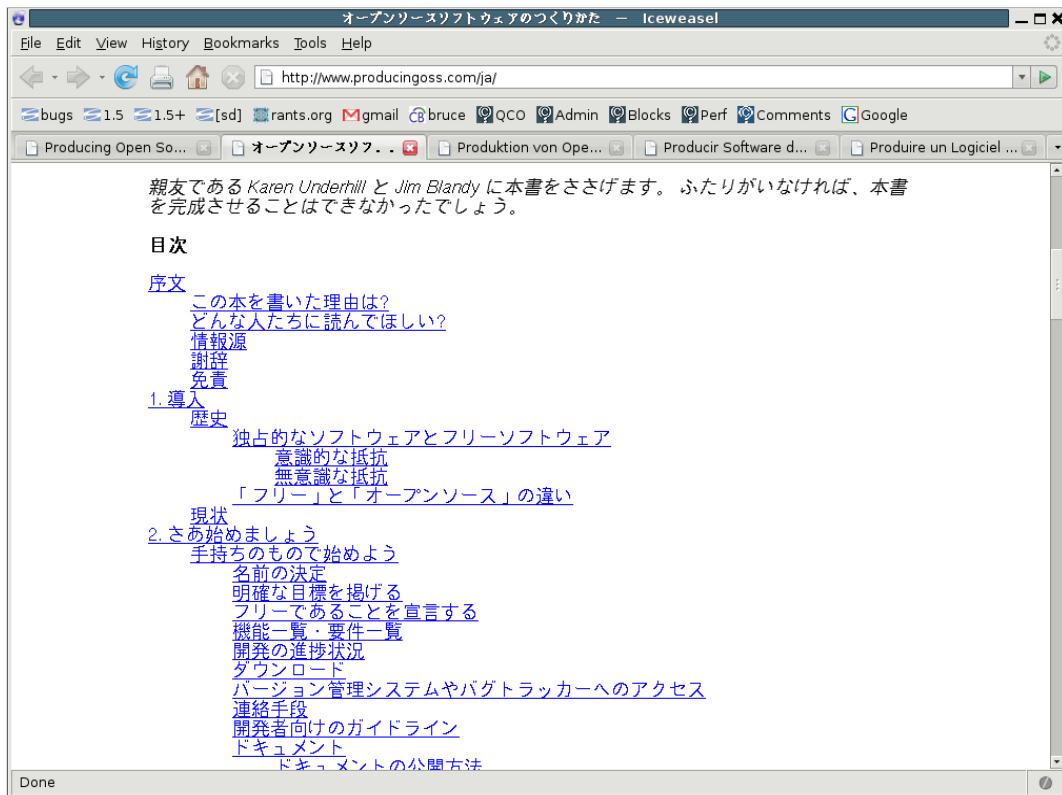
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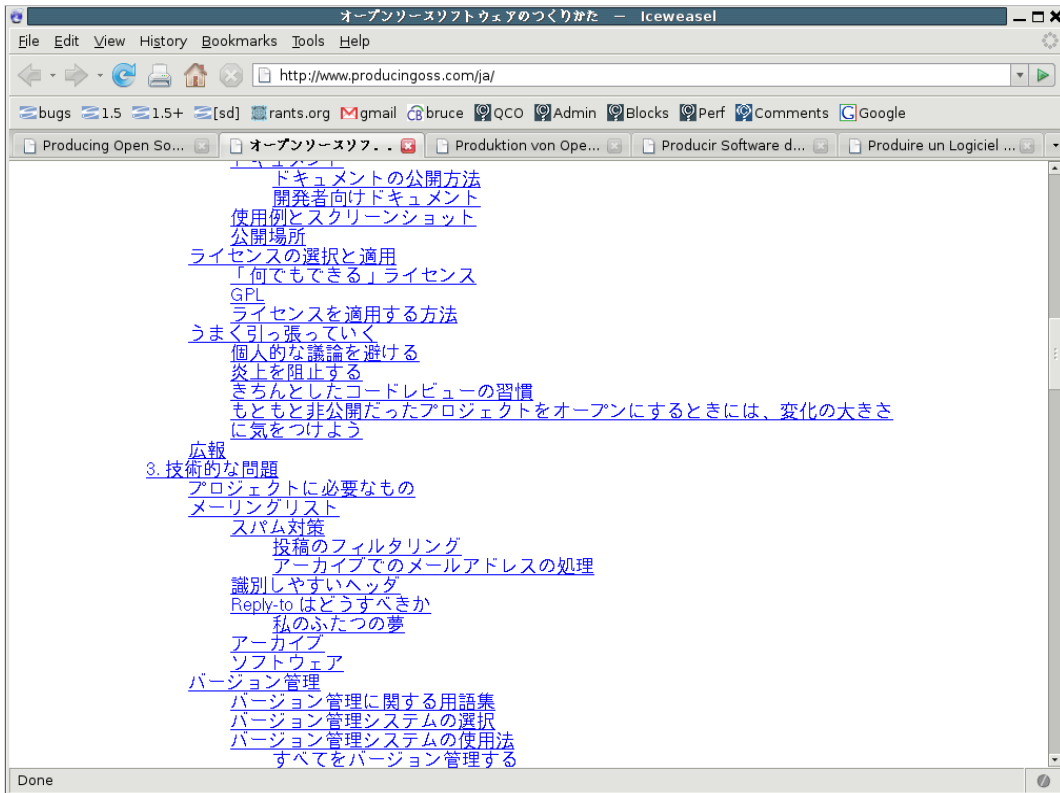
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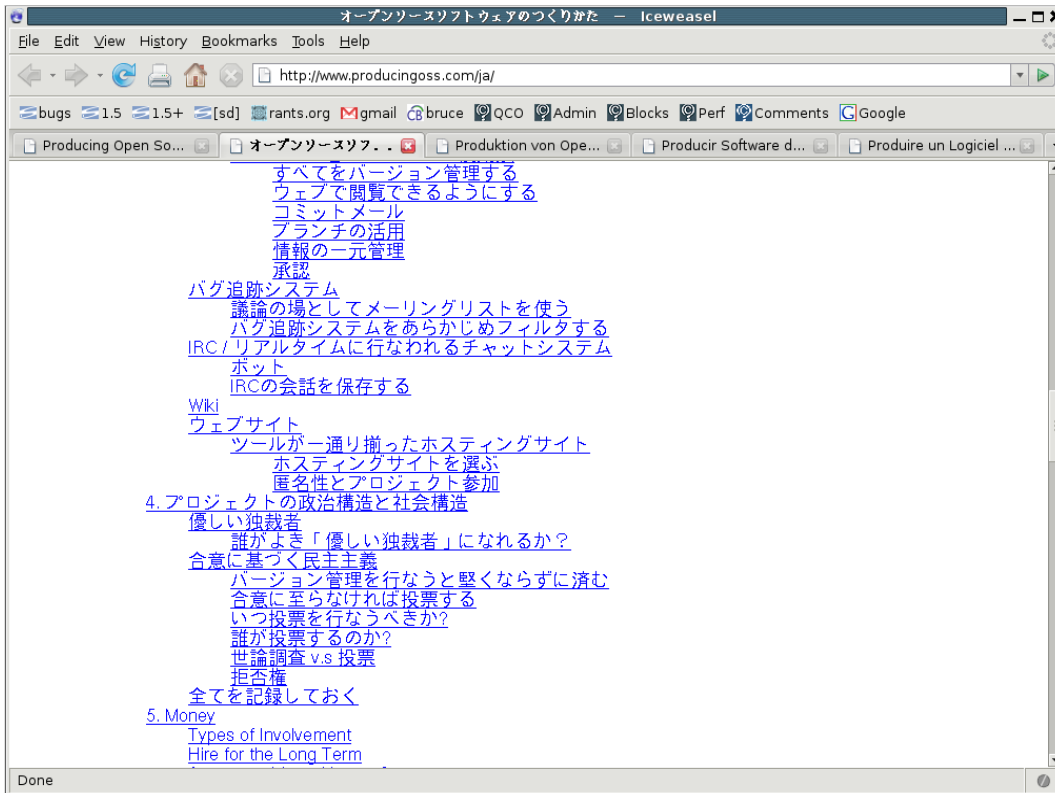
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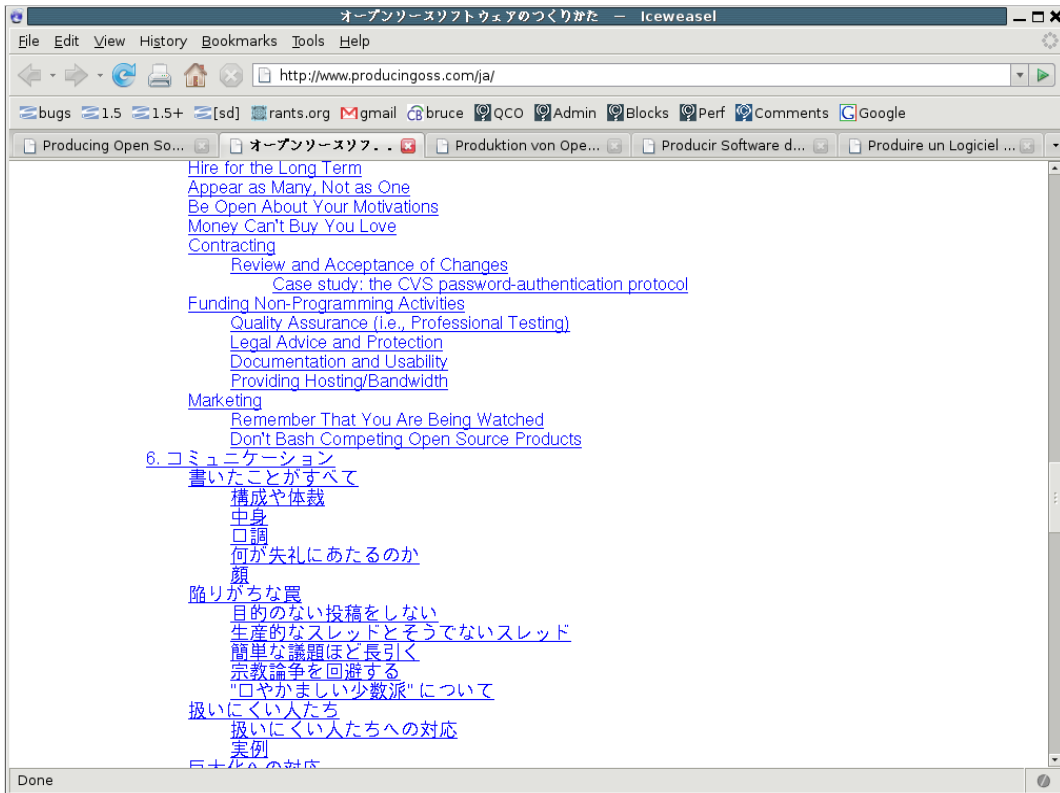
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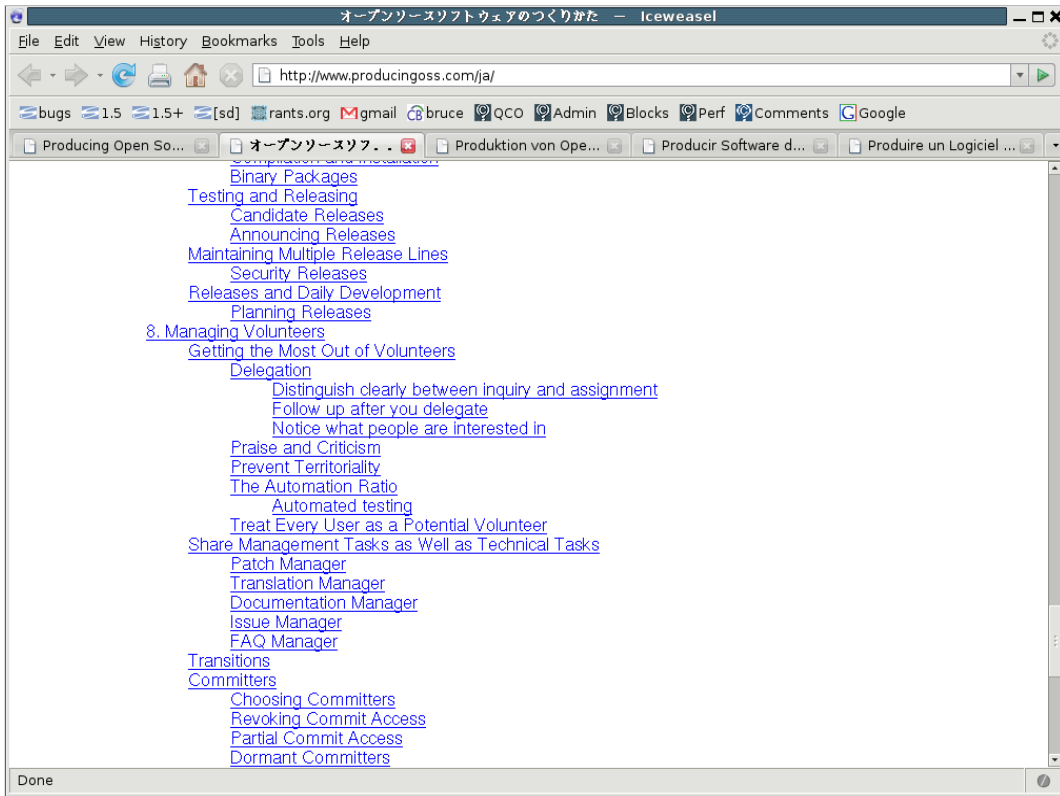
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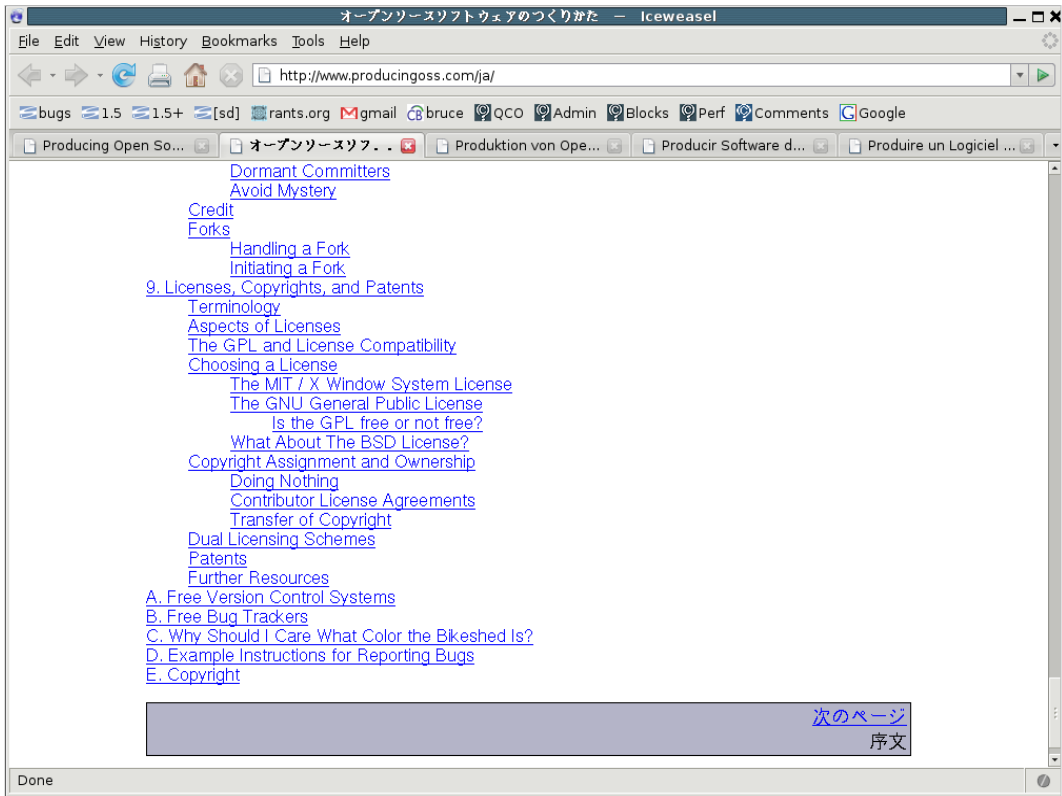
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