Granted the acceleration of the Renaissance in 1450 was helped by both economic prosperity and the printing press, but surely in today's world despite the very different circumstances in terms of the current economic situation we can still embrace the positives of access to information. Access made possible by the sharing of ideas in the ether and the freedom of expression it allows is surely something to be celebrated and embraced?

Since the Statute of Anne in 1709 which was regarded as the first real copyright act, through the multitude of ensuing laws which guarantee authors and inventors exclusive rights in order to profit from their endeavours and labours, the advent of the internet has made strict regulation of materials near impossible. Technology has taken a leap so large that regulation in its varying forms is having a hard time dealing with the new organically expanding phenomenon and keeping things under control. The contention that lies between the rights holders and users of informational goods however isn't the only factor in the equation.

Intellectual Property (IP) rights are there to protect the information, creativity and innovation behind and held within new products, ensuring for anyone who wants to use them that payment is negotiated in return. These rights are afforded by Governments as incentive for people to be creative, in order to benefit and enrich society as a whole; product logos can be registered as trademarks; books, paintings and films can be copyrighted; inventions, patented; and so on. Differences in the enforcement of these rights have caused contention however in the international economic arena. So in 1994 the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) administered by the World Trade Organisation introduced the topic of intellectual property (IP) into the international trading system. Under the proviso of 'promoting access to medicines for all' it laid down requirements for nations laws to meet its standards in relation to things such as monopolies for the developers of new plant varieties, confidential information etc... and included minimum standards of IP rights. In so doing an internationally standardised manner of enforcing these rights was determined.

The evils of piracy

The biggest threat to IP and copyright on the internet is piracy. Aside from the international context of protection of IP that relates to a balance between innovation and protecting against big business monopolies and restrictions on seed grain and medicines, piracy on a domestic and local level is big. Piracy in the form of wide spread and file sharing/ peer2peer sites is all over the world and it thrives within the unseen playground of the internet. When times are hard it allows people to obtain the films and get the music that is too much to afford. Piracy is the unlawful copying or replicating of materials – these days more likely linked to the entertainment industries in terms of music and film downloads, which stops profit being made and artists collecting their dues. Like the revolution of imessaging which is free and rids users of iphones from the cost of text messaging, the steps forward in technology have come at a cost to big business and industries.

The first I remember hearing of piracy was on the introduction to every VCR video that threatened buying dodgy videos from the local Del Boy lookalike down the market and bagging it up in a bin liner funded terrorism - however these days the internet has stopped the possibility of traders being 'nicked' in the process of purchasing such items at a reduced cost. Today it is electronic, free and done by the touch of a button, anonymously-ish. So this is what the bills are there to prohibit. Unlawful acts of piracy. But who actually benefits... the Internet Companies?

Perspective monetary loss to the stupendously large entertainment industry might hurt a little but it has been said it is very little in the grand scheme of things. Then there's the worry for the internet companies upon whom the onus would lie to police the sites and their content. If the bills were introduced it would be up to individual companies to ensure the legitimate running of sites and their content. Far from the safety afforded by the Digital Millennium Copyright Act (DMCA), which was introduced as a safe harbour for sites that promptly take down infringing content when informed by the right holders which meant they themselves were not liable for damages, however SOPA and PIPA bring about a change in that dynamic. Added time, effort and personnel to police this new responsibility would be needed and the internet companies would have to foot the bill as they would be legally responsible. They could always use the controversial blocking and filtering techniques that regimes in the Middle East have resorted to in the past if it all got too much though.

Back to the utilitarian ideal for a moment and how SOPA may affect academia

The Budapest Open Access Initiative (BOAI) was released to the public 10years ago and boasted a revolution in academic publishing due to 'open access' – freely available peer-reviewed journal literature online. Sharing educational resources in the mainstream has been embraced by establishments such as Harvard and MIT's OpenCourseWare mandating policies for open access of published research alongside deals such as the National Institute of Health's policy whereby scientists in receipt of public funds publish final manuscripts on PubMed Central within 1year of publication.

However, and here comes the but, journals such as Science, Nature and other big name journals are threatened by open access de to their lucrative position in the middle of the academic world. So it would be in the interest of these 'big name' journals to agree with bills such as SOPA and PIPA then? Well let us not be too hasty. The 'stupidity' of SOPA in the academic space has been voiced publicly in several areas from one such source – an academic blog lies the following extract;
http://cameronneylon.net/blog/the-stupidity-of-sopa-in-scholarly-publishing/

“It gives copyright holders or interested parties the right to take down an entire site based on it being the medium by which copyright violations are transmitted. So if someone, purely as a thought experiment you understand, crowd-sourced the identification of copyright violations in papers published by supporters of SOPA, then they could legitimately take down journal websites, like Science Direct and Nature.com. That’s right, just find the plagiarised papers, raise them as a copyright violation, and you can have the journal website shut down.

But with supposedly technically savvy organisations lined up to support it, they should be aware of what it might cost them. A fortune in responding to take down requests, a fortune in checking over every piece of every paper? Is that figure “sufficiently different”? Enjoy. Or perhaps time for a re-think about copyright in scholarly works?”

The trouble with ACTA

In terms of gaining unadulterated control over the seemingly uncontrollable the legislation currently being formulated and signed up to is certainly aimed at getting things on a tight leash. With the main targets of the ACTA legislation being sites outside of current US jurisdiction the power afforded to countries will be that of being quite literally able to pull the plug on those sites deemed 1) as 'rogue' and 2) targeting US citizens. After the one day strike where the usual favourites including Wikipedia were no longer at the end of our fingers, as a protest against SOPA and PIPA we got a taste of what it would be like for a server to be discontinued. ACTA has been recognised as the blue print for bills such as SOPA and PIPA.

The very flicker of ACTA's origins are cause for grave concern outside of the intricacies of its implementation and the effects it will have on freedom of expression and dissemination of information which frankly doesn't give it much hope of taking the moral high ground in this whole drama of events.

Gripes about process and transparency

It may not be a surprise to many that dialogue with other countries over ACTA was initiated by the US outside of the usually followed democratically recognised avenues. Wikileaks published that initial contact with Japan by the US took place within an insistence on avoiding collaboration with international organisations.

If the US acts as it has in the case of Megaupload without SOPA or PIPA in place what on earth will they justify if they are put in place? Some of the servers Megaupload leased were in the US and as such their website was stated to be targeting US citizens which justified the seizure of assets in New Zealand with the help of local authorities and their helicopters without trail by court.

Some background articles

https://www.eff.org/deeplinks/2010/01/acta-and-france

http://www.laquadrature.net/en/wikileaks-cables-shine-light-on-acta-history

http://ukcorr.blogspot.com/2012/01/sopa-and-app-dumb-and-dumber-publishers.html

https://www.eff.org/deeplinks/2012/02/decade-open-access-and-challenges-ahead