

Mapping the Issue Peer Review Prompt
English 1302: Rhetoric and Composition II

Writer:

Reviewer:

Introduction

Early on, the writer should incorporate what “they say” by situating his/her paper as a response to the conversation surrounding a controversial issue. He/she should also provide a thesis that promises to describe the most significant positions on that issue. Finally, the writer should make it clear to whom his/her paper matters (“Who cares?”) and why (“So what?”).

Are all these elements clear to you? If so, prove it by repeating these elements back to the writer (feel free to quote the writer directly in your response). If not, suggest some options for how the writer might go about satisfying these elements of the assignment.

Background

The writer should provide readers with some background on the controversy, explaining what caused the issue, what prompted past and present interest in it, and who is interested in the issue and why.

Are these explanations apparent? If so, briefly summarize them (feel free to quote the writer directly). If not, let the writer know which parts of the background information you find missing.

Description/Summary

For at least three positions, the writer should describe advocates’ main claims, supporting reasons, and evidence. He/she should also describe points of intersection and diversion between positions, the points on which advocates agree and disagree, and the reasons for disagreement. Finally, for each position the writer should summarize at least one outside source.

Has the writer included all this information for each position mentioned? If so, briefly summarize the elements for each position. If not, explain what elements you find missing from which positions.

Sample Mapping the Issue

Being a published author or artist doesn't mean what it used to. One cannot simply say "I wrote that *book*" or "I made that *painting*." The explosion of technology now causes one to instead say, "I came up with that *text*" or "I manipulated that *graphic image*" or "I uploaded that clip to YouTube and downloaded a remixed song off of Limewire to go with it." The internet's widespread, user-friendly interface that allows mass participation in information sharing, creativity, and idea exchange has brought a significantly larger demographic into the conversation of intellectual property and what constitutes publication and ownership. The transition of tangible media, like magazines and DVDs, to internet sites has expanded the definition of what copyright means. As a result, personal blogs, clothing, online books, and even pornography have become new and crucial elements in the world of art and technology distribution. In this paper I will review three main positions on the issue of copyright in the internet age. First, there are those who find themselves tangled between the two extremes of strict, exclusive ownership and absolute free sharing. With the expansion of creative and web-based industries, this first group is becoming less concerned with exclusivity and more concerned with the rights of the public domain. Second, there are those who remain adamant about having strict ownership of their ideas and creations and are uneasy with technology's ability to manipulate creative works and potentially copy someone's ideas. These people appeal to the courts and stamp trademarks all over their work. Third are those who are adamant about *not* having any limits; they embrace technology as a means of creating a free-share environment where everyone can use published works as they please with no regards to ownership or profitability.

Since 2008, fashion has significantly permeated the conversation on legal protection because it is tied to design as well as retail, consumerism, and direct public involvement. Thus, restrictions on fashion often fall between the extremes of protecting and sharing intellectual property, as clothing merges intellectual creative design with material sale items. Johanna Blakeley

recently published an article on *Design Observer* entitled “The Costs of Ownership: Why Copyright Protection Will Hurt the Fashion Industry” in response to a new bill, The Innovative Design Protection and Piracy Prevention Act, which places strict copyright on fashion. Blakely states that while the bill will stimulate creativity and provide protection to some extent, it will hurt the fashion industry artistically and economically, as well as prove difficult to implement. Because fashion is utilitarian, it is difficult to classify clothing designs as entirely unique and creative. Here, fashion is a perfect example of an industry that is unlikely to ever set copyright limitations, be they strict or relaxed, based on its wide scope. At the very least, the industry remains unsure of how to implement a clear policy on copyright and is as unsure of what needs to be protected as any beginner artist would be. Writers like Blakely sympathize with designers, who work in an industry constantly under pressure to innovate. Blakely herself tends to be in favor of the freedom to copy designs, but she (like the fashion industry) remains in limbo on what the exact limitations ought to be, siding with the vast majority of those unsure of where to settle on the intellectual copyright spectrum.

The fashion industry is becoming a major participant in the copyright conversation. At the same time, this industry that thrives on people wearing clothes has a lot in common with an industry that thrives on people removing their clothes. In *The New York Times*, writers Kal Raustiala and Chris Sprigman contributed a piece earlier this year to the *Freakonomics* section about copyrighting pornography. Their argument mirrors that of Blakely’s in that they find it difficult to pinpoint the limits of copyright when the product is one of direct use: “Pornography is, in large part, a utilitarian product, and for most consumers, the purpose for which it is employed is served just as well by a five-minute porn-tube clip” (Raustiala 1). The main concern is that sites like YouTube and its sub-site YouPorn are hurting the industry because they allow people to view for free the same clips once only available for purchase. Since these clips still “get the job done,” producers worry that DVD sales will decrease and paid-subscriptions websites will close; however, the clips can also

serve as ads for high-quality porn that continue to generate revenue. Though they comfortably accept the likelihood of coexistence for paid websites no matter what, the limits of copyright, again, remain obscure, especially for the producers. The permeation of intellectual copyright into industries like fashion and porn, which were once minor issues for them, reinforces the difficulty of placing copyright within solid boundaries. These industries struggle with legally explaining their policies under the umbrella of technology, but have managed to keep a balanced outlook that attempts to equally serve the artist and the public.

Still, not everyone is comfortable with leaving the limits of copyright obscure and open for interpretation, nor is everyone interested in a balance between maker and user. These people believe in the letter of the law as a defender of copyright, limiting both access and distribution for creative works. Instead of considering consumers, attention is focused on the creator's exclusive ownership rights. Mark Helprin sides with this firmer stance in *The New York Times* in a 2007 opinion piece, "A Great Idea Lives Forever. Shouldn't Its Copyright?" He argues that copyright should be permanently passed on like an inheritance, even after the creator's death. Those who are pro-strict-copyright would side with Helprin because they are most concerned with attaching a name to a copyright, much like a legacy. Indeed, like money, Helprin believes copyright is an exclusive, tangible right that cannot be easily taken away or manipulated into "public property," much in the ways Blakely and Raustiala and Sprigman argue for public domain to override the need for extreme ownership. While these writers see and support the benefits that an average consumer would receive from utilitarian items not restricted by copyright, Helprin is more focused on declaring exclusivity and legal ownership principally more important than public access. All three authors recognize the importance of intellectual property, but the outlook here does not endorse the practical benefits of distribution and consumption.

Regardless of his views, Helprin could seemingly have a reasonable discussion and come to terms with someone like Johanna Blakely, as they sympathize with the effort an artist puts into

his/her work and the recognition it deserves. However, Helprin would become exceedingly frustrated with someone like Cory Doctorow, who is notorious for blogging and speaking about technology in the public domain. Unlike Helprin's claim of copyright being a crucial element in creativity, Doctorow sides completely with the consumer and their right to access pretty much anything. Like other internet-savvy writers looking to get their work noticed rather than legally manufactured, Doctorow often makes his own works available through a Creative Commons license. Though there are different levels of Creative Commons licensing (depending to what limit people will allow others to use their work), the willingness to use one at all indicates the championing of free distribution. An audio file entitled "Giving it Away" features a reading from Cory Doctorow's *Forbes* article in 2006 where he talks about a book he "publishes" as an ebook as well as a downloadable audio file. This action basically turns his work into a public object, less tangible than a book and harder to pinpoint for copyright. Unlike the writers of the articles on fashion, porn, and books combined, Doctorow claims there is no empirical way to prove that stripping copyright hurts an artist financially: instead, because it costs nothing to put out a free text, only positive reinforcement is likely to remain (increased sales, a wider readership, and the ability to translate, etc.) Indeed, artists who are new to the industry and do not have the means to afford "professional" publishing often do not pay as much attention to copyright. Doctorow sides with Blakely and Raustiala and Sprigman with the concern of reaching an audience as a key reason to loosening the reins on copyright laws, yet he neglects to mention any importance in protecting original intellectual ideas. Certainly, this reading is quite the opposite of Helprin's *New York Times* piece in that Doctorow would never allow legal mediation to dictate how he distributes material. So whether the limits of copyright matter or not, even the disregard for copyright is an argument in itself. More and more artists challenge their boundaries, and the average internet user must question how they access, share, and reproduce everyday internet content.

Works Cited

Blakely, Johanna. "The Costs of Ownership: Why Copyright Protection Will Hurt the Fashion Industry." *Design Observer*. 19 Aug 2010. Web. 12 Oct 2010.

Doctorow, Cory. "Giving it Away." *Content: Selected Essays on Technology, Creativity, Copyright and the Future of the Future*, read by Jan Rubak. mp3 audio file: *Internet Archive*. Web. 2 Nov 2010.

Helprin, Mark. "A Great Idea Lives Forever. Shouldn't Its Copyright?" *The New York Times*. 20 May 2007. Web. 2 Nov 2010.

Raustiala, Kal and Sprigman, Chris. "Copyrighting Porn: A Guest Post." *The New York Times*. 5 May 2010. Web. 2 Nov 2010.