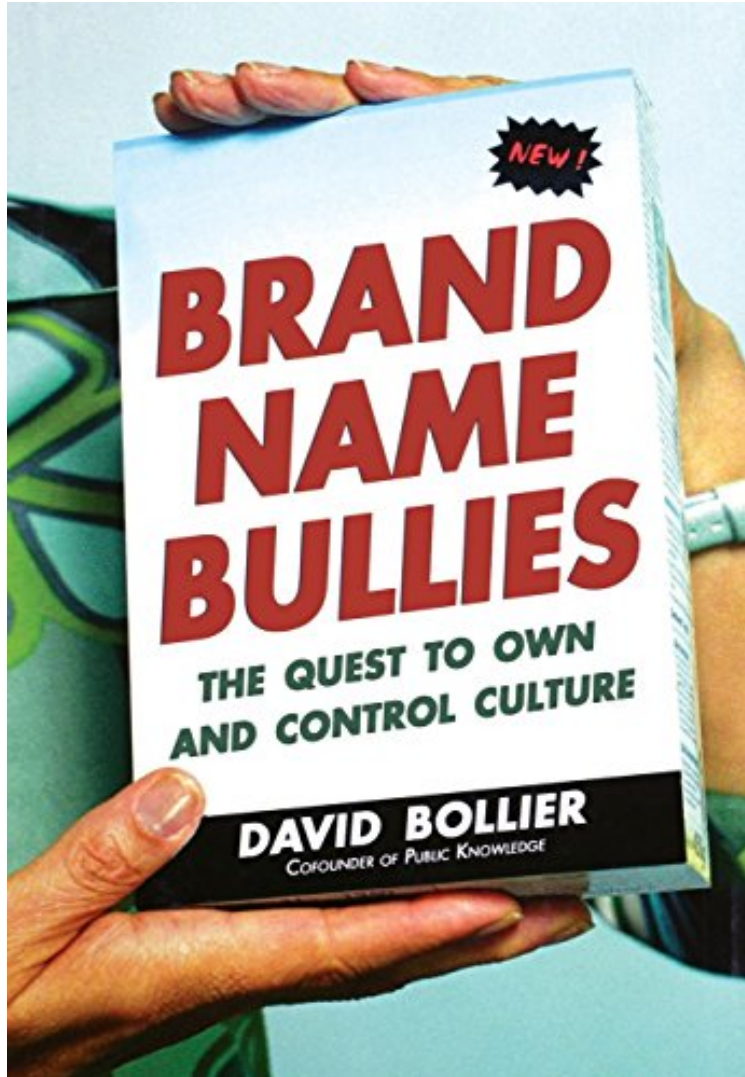


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Brand Name Bullies: The Quest to Own and Control Culture

David Bollier

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David Bollier : Brand Name Bullies: The Quest to Own and Control Culture before purchasing it in order to gage whether or not it would be worth my time, and all praised Brand Name Bullies: The Quest to Own and Control Culture:

25 of 25 people found the following review helpful. Exposing copyright's crazier sideBy J. D. LasicaFor the past few years, intellectual property law has been the playground of lawyers, geeks and scholars. Now comes to explain why this seemingly arcane field should matter to the rest of us.In "Brand Name Bullies," the author of is back with a painfully comic look at how big corporations are bullying the little guy and locking down culture with the backing of

one-sided copyright, patent and trademark laws. Bollier has written a darkly funny, accessible account of horror stories and outrages both large and small. A few years back, the American Society of Composers, Authors and Publishers send out letters to 288 camps in the American Camping Association, demanding that Brownies and Girl Scouts stop singing copyrighted songs like "Blowin' in the Wind" or "Row, Row, Row" unless the camping groups ponied over thousands of dollars in licensing fees. The press had a field day with the story. Pro basketball player Shaquille O'Neal offers to pay a camp's royalties for 10 years. BMI offered to license its 3 million songs to the Girl Scouts for nothing. Duly chastened, ASCAP backed down. Some of these issues - such as mash-ups, fan fiction, The Grey Album or the Eldred decision - will be familiar to those who have followed the recent shenanigans in IP law. (Indeed, as I write this, I'm listening to John Coltrane's My Favorite Things - a melody that would be outlawed had it been recorded today.) But Bollier's chief purpose here is to introduce these stories to a wider audience. Few of the tales have the happy ending that the Girl Scouts enjoyed. For example, remember how a zillion TV stations used to air Frank Capra's It's a Wonderful Life around the holidays? That was before Spelling Entertainment entered the picture. Even though the film's copyright owner failed to renew the copyright on the film, Spelling argued that the film remained under copyright because the short story that was the basis for the film and its musical score were still under copyright protection, and so the film had not entered the public domain after all. Spelling warned broadcast stations that they risked legal action if they aired the 1946 Jimmy Stewart classic without permission - and payment. The book brims with such tales. In 1998 Fruit of the Loom threatened a Web parodist for suggesting alternative names for the underwear, such as "Fruit of the Loins" and "Banana in my Briefs." Bollier describes how Netizens forced the company to retreat: Rather than capitulate to Fruit of the Loom's intimidation, Styn fought back. Within forty-eight hours he had contacted more than a hundred independent Web publishers who pledged to support his cause. Banner ads reading "Freedom of speech doesn't end at an elastic waistband-Support your right to be funny" and "Rotten Fruit" images appears on hundreds of Web sites, along with links to the Prehensile Tales site. Styn estimates that fewer than 1,500 people had seen the "Meat of the Loom" parody in the eight months it had been posted online. But within two weeks after he launched his Web crusade against Fruit of the Loom, more than 250,000 visitors had check out [...]. What to do about all this? Bollier proposes "a new language of the commons." He writes: "At bottom, the challenge is not just to shore up the boundaries of fair use, the public domain, and other public rights, important as those rights are. What is truly needed is a new discourse that can escape the restrictive intellectual categories of copyright and trademark law." He nails it. 1 of 1 people found the following review helpful. Freedom of expression? Oops! That's copyrighted! By R. A. Barricklow (Scaramouche) This book shows copyright industries- film, music, publishing, information- routinely raid the public domain for material in the classic Disney modus operandi- to privatize. Then they and the likes of Microsoft McDonalds use their battalions of lawyers to use trademarks as blunt instruments in cultural intimidation and censorship. Free speech and artistic expression be damned! Add a little chicanery and you have automatic retroactive copyright protection to works THAT WERE IN THE PUBLIC DOMAIN! Copyright trademark are essentially monopoly rights. Now they are monopolizing cultur. Trademark law made sense in the context of the market place, they make much less sense now that the market place has become our culture. Also the law criminalizes the very kinds of inquiries that help identify security weaknesses and openly discuss ways to fix it. Many foreign scientist now avoid travel to the U.S. in fear they would run afoul of these laws. The laws that empower content industries to utterly control the sale AND AFTER MARKET USES of their works. Did you know the song "Happy Birthday" is copyrighted? Perhaps the best part of this book is the humorous way it approaches the subject. The Fruit of the Looms case is worth the read alone. The more prohibitions you have, the less virtuous people will be. The more weapons you have, the less secure people will be. The more subsidies you have, the less self-reliant people will be- Lao-Tzu, Tao Te Ching Well done and highly recommended! 3 of 3 people found the following review helpful. Exposing copyright bullies By Jessica C. Friedman (tech savvy) I've recently begun reading up on the subject of corporate efforts to take control of our culture,. While the material here may be familiar turf to many, it was eye opening to me. I had no idea that copyright law had been distorted and bent against the interests of those it was meant to serve: the public (for it's a bargain between the creator and the public, not simply a property right interest, as many people commonly assume). Bollier's book brings these issues to light in an entertaining, enlightening way. Imagine, ASCAP going after the girl scouts for singing songs around the campfire! Imagine charging royalties for crooning "Happy birthday" at a public event. If you're not familiar with these issues, "Brand Name Bullies" is a good primer. Read up, get educated, get mad, then fight back!

An impassioned, darkly amusing look at how corporations misuse copyright law to stifle creativity and free speech. If you want to make fun of Mickey or Barbie on your Web site, you may be hearing from some corporate lawyers. You should also think twice about calling something ""fair and balanced"" or publicly using Martin Luther King Jr.'s ""I Have a Dream"" speech. It may be illegal. Or it may be entirely legal, but the distinction doesn't matter if you can't afford a lawyer. More and more, corporations are grabbing and asserting rights over every idea and creation in our world, regardless of the law's intent or the public interest. But beyond the humorous absurdity of all this, there lies a darker problem, as David Bollier shows in this important new book. Lawsuits and legal bullying clearly prevent the

creation of legitimate new software, new art and music, new literature, new businesses, and worst of all, new scientific and medical research. David Bollier (Amherst, MA) is cofounder of Public Knowledge and Senior Fellow at the Norman Lear Center, USC Annenberg School for Communication. His books include *Silent Theft*.

.com Imagine if today's far-reaching laws on copyright and trademark were sent back in time to the days of William Shakespeare. On the opening day of *Romeo and Juliet*, the heirs of first-century Roman poet Ovid would surely have filed the case of *Estate of Ovid v. William Shakespeare*, alleging that the Bard had made unauthorized use of Ovid's *Metamorphoses*, which is also based on two lovers from warring families. The legal conflict would have scared off theaters, and the play would have dropped into obscurity. It might seem ridiculous, but David Bollier, author of *Brand Name Bullies*, says this scenario is common under today's copyright and trademark law, which he calls "replete with tales of the bizarre and hilarious." Bollier is co-founder of Public Knowledge, a non-profit group that aims to defend the "information commons." In *Brand Name Bullies*, he argues that creativity and free speech are being shut down as entertainment conglomerates and other companies push intellectual-property law to unprecedented extremes. The result is a sweeping privatization of culture and knowledge with the connivance of Congress and the courts. It is a dangerous development, Bollier suggests, because science and creativity are built upon what others have done before us. At the heart of his book are dozens of real-life stories he says show how silly things have gotten. In one case, Warner Bros. threatened young fans of the Harry Potter movies with legal action after they created Web sites to celebrate and discuss Potter. In another case, Disney challenged an anti-pornography group for quoting a single line of Walt Disney's in a brochure. Bollier also cites filmmaker Spike Lee's suit against Viacom over its Spike TV network. Even though there have been many other famous "Spikes" in American culture, Lee claimed Viacom chose the network's name to trade on his reputation. He won an injunction against the company, which agreed to an out-of-court settlement and said it incurred \$17 million in losses in the case. Through these stories, Bollier succeeds in making a knotty but important legal issue both accessible and relevant for readers. --Alex Roslin

From Publishers Weekly

Starred . Society's growing mania to "propertize" every idea, image, sound and scent that impinges on our consciousness is ably dissected in this hilarious and appalling exposé of intellectual property law. Bollier, author of *Silent Theft*, compiles a long litany of copyright and trademark excesses, many of them familiar from brief flurries of media coverage but, in his view, no less outrageous for it. Music royalty consortium ASCAP sought fees from the Girl Scouts for singing copyrighted songs around the campfire; McDonalds threatened businesses with the Mc prefix in their names; Disney threatened a day-care center that painted Mickey and Goofy on its walls; and Mattel sued a rock band that dared satirize Barbie in song. Nor is it only corporate megaliths that resort to this petty legal thuggery. Martin Luther King's estate forbids unauthorized use of his "I Have a Dream" speech (but rents it to Telecom ad campaigns), and the author of a completely silent composition was asked for royalties because it allegedly infringed on avant-garde composer John Cage's own completely silent composition. Bollier is a sure guide through the thickets of intellectual property law, writing in an engaging style that spotlights capitalism and its supporting cast of lawyers at their most absurd. But he probes a deeper problem: as the public domain becomes a private monopoly, he warns, our open society, which depends on the free, collective elaboration of a shared "cultural commons," will wither away.

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From Booklist

While plagiarizing a trademark or a published copyrighted work for profit is obviously illegal and unethical, where do society and the laws draw the line when one "borrows" or parodies a portion or an entire work? This book cites little-known, prolific, and ferocious lawsuits and legal actions that individuals and corporations have undertaken against often obscure and profitless uses. With the ease and prevalence of electronic data and image sharing, it is advisable that the public keep apprised of legal aspects involving downloading, altering, and posting of information. The author gives insight into the great, often comical lengths that huge, heartless corporations with large bankrolls and lawyers employed just for this purpose will go to to protect their property, even if they had initially hijacked said resources from the public domain just years or decades earlier. The predominant message of this book is that most, if not all, newly formed artistic productions are derivatives of previous creative efforts transformed and enhanced into something unique, but it is quite evident that current laws suffocate this artistic process. Ed Dwyer

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