

Introduction

by **Cory Doctorow**, award-winning science fiction author
and co-editor of the blog **Boing Boing**

Who owns photons? When your camera opens its aperture and greedily gobbles all the light reflecting off the surfaces of buildings, faces, t-shirts, paintings, sculptures, movies, and photos, are you breaking the law? Does your camera's mic infringe when it captures the perturbations made by speech, song and soundtrack?

If these seem like silly questions, blame the law, not the questions. Copyright, a system that is meant to promote creativity, has been hijacked by a few industrial players and perverted. Today, copyright is as likely to suppress new creativity as it is to protect it.

Documentary filmmakers have it tough. The job of a good documentary is to *document*: to set down on video the world as it exists, to tell the story of the world, to lay bare its bones and its deeds.

With every passing year, documenting the world gets more fraught.

Everyone, it seems, has his hand out, asking for a license to merely recount the truth: this billboard stands over that city, this logo appears on that man's t-shirt, this TV program was playing when this event took place.

Some of them don't just want you to take a license. Some of them don't want you to report on them at all.

What's a filmmaker to do?



Before copyright, there was patronage. You were allowed to make art if the Pope or some duke could be convinced that you had a good idea. This generated some lovely ceilings and frescos, but it wasn't exactly democratic.

Copyright industrialized the practice. Now art could be made if an artist could convince a wealthy industrialist that the exclusive right to market the work was worth funding its production. This radically decentralized the decision-making process for art: there are lots more industrialists than Popes, after all.

Today, the industrialists have reinvented themselves as Popes and dukes and kings. If you're signed to a big label—if you have the patronage of a king—that label will clear your way to using samples from the other labels' catalogs in your songs. If you're an indie, forget about it.



If you're a filmmaker working for a big studio, you've got rabid packs of attack-lawyers at your disposal, employed to go forth and negotiate your licenses when you need them. Or even when you don't need them: if you're a studio lawyer, it makes

sense to act as though even the most casual or attenuated reproduction requires a license—that way, people will pay you for licenses to your employer's works, too.

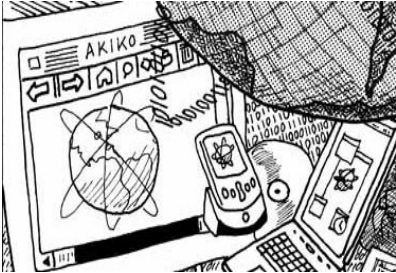
If you're an indie, this leaves you out in the cold. You're not on the inside, you don't have white-shoe attorneys standing by to negotiate your "use" of the logo on the shirt of a guy caught on video in a riot.



This isn't how copyright is supposed to work.

This isn't how copyright works. If you've got lawyers on your side and you're willing to fight, you're likely to find that most of the uses that someone wants you to pay for

are in fact permitted without payment or permission, under the doctrine of "Fair Use." But chances are, if you can't afford a license, you can't afford the lawyer to prove that you don't need to pay for the license.



And yet, at this moment, the cost of raw materials of documentary making are in free-fall. Last year's editing suites are being replaced by this year's laptops—the \$1500 laptop I'm typing this on has more RAM, processor and hard-drive than the \$100,000 Avid suite I used to babysit at a documentary film-house. Democracy Player and Dabble, YouTube and Google Video, the Internet Archive and Dijjer are the leading edge of a movement to make sharing video free and easy. Our pockets bulge with devices that let us watch low-resolution, short videos wherever we are—the perfect small screen for the indie documentary.

Copyright law might work well when it's practiced by corporate attorneys from Fortune 100 companies, but once it impinges on the normal activity of creative people documenting their world, it creates more problems than it solves.

This is a sensible book about a ridiculous subject. It's an example of the principle it illustrates: that taking from the culture around us to make new things is what culture is all about, it's what culture is for. Culture is that which we use to communicate.

The comic form makes this issue into something less abstract, more concrete, and the Duke Public Domain folks who produced this have not just written a treatise on copyright, they've produced a loving tribute to the form of comics.

It's a book whose time has come. Read it, share it. Get angry. Do something. Document your world.