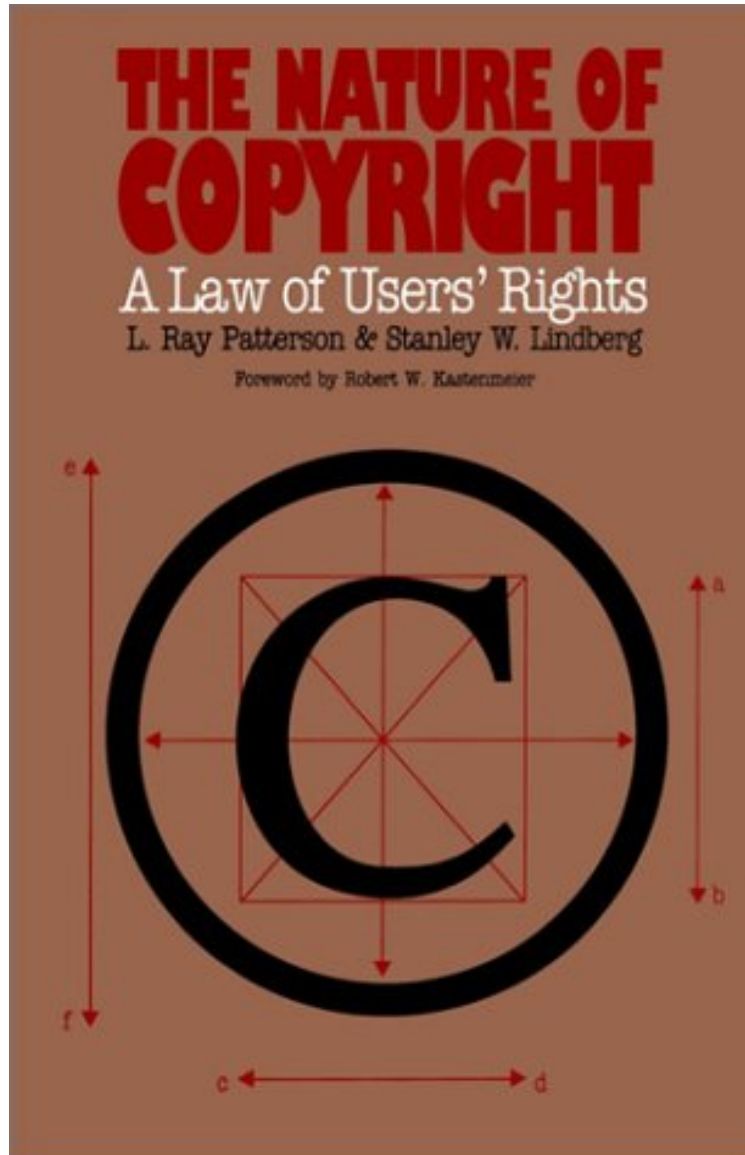


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The Nature of Copyright: A Law of Users' Rights

Stanley Lindberg

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#2149798 in Books University of Georgia Press 1991-11-01 1991-11-01 Original language: English PDF # 1
8.50 x .67 x 5.511, .82 #File Name: 0820313629296 pages | File size: 48.Mb

Stanley Lindberg : The Nature of Copyright: A Law of Users' Rights before purchasing it in order to gage whether or not it would be worth my time, and all praised The Nature of Copyright: A Law of Users' Rights:

This forthright and provocative book offers a new perspective on copyright law and the legal rights of individuals to

use copyrighted materials. Most Americans believe that the primary purpose of copyright is to protect authors against the theft of their property. They are wrong, say L. Ray Patterson and Stanley W. Lindberg. Guaranteeing certain rights to authors (and to the entrepreneurs who publish and market their creations) is only an incidental function of copyright; it exists ultimately for the public's benefit. The constitutionally ordained purpose of copyright, the authors remind us, is to promote the public welfare by the advancement of knowledge. In *The Nature of Copyright* they present an extended analysis of the fair-use doctrine and articulate a new concept that they demonstrate is implicit in copyright law: the rule of personal use. Viewing copyright in a historical context, Patterson and Lindberg show how its original purpose to prevent both the monopoly of the book trade and the official censorship of writings have been lost largely as a result of uninformed jurisprudence. Contributing to the problem have been special-interest groups that have circulated official-looking but misleading copyright guidelines for copyright users, librarians, and others. According to the authors, the claims in these intimidating guidelines, such as copying restrictions based on specific word counts, are not legally binding and indeed are often groundless. If the current trend to give publishers and other vested interests even wider protection under copyright continues, warn Patterson and Lindberg, knowledge could become a private commodity to which access is tightly controlled. The authors also address the effect of recent court rulings in such cases as *[J.D.] Salinger v. Random House, Inc.*, and *New Era Pub. Int. v. Henry Holt Co.* (the L. Ron Hubbard biography case). Severely hampering the work of biogra

From *Library Journal* Patterson and Lindberg, professors respectively of law and English at the University of Georgia, have written a different kind of copyright book, one that does not try to explain how the law operates on a technical basis but explores the theories behind the law and shows how it should work. They argue that copyright should be seen as a force for the public good, one which helps knowledge and ideas spread; technological advances (especially in copying) and the fair use doctrine must also be seen in that light. By setting out their theory of "users' rights," the authors show that copyright law can work for all persons, not just publishers and authors. Geared more toward an academic audience than lay readers seeking advice on how to get a copyright or what constitutes infringement, this is an innovative, thoughtful look at an ever-changing subject. Highly recommended.- Sally G. Waters, Stetson Law Lib., St. Petersburg, Fla. Copyright 1991 Reed Business Information, Inc. Will cause the reader to look at copyright in a new light. Even those who ultimately reject the authors' theories will be left with a more complete picture of the development of copyright law and alternatives to the assumptions commonly made. (Lydia Pallas Loren Michigan Law)