

In Focus

Copyrights (and wrongs)

A digital archive containing more than 10,000 pages of rare legal papers, compiled by researchers from Cambridge and Bournemouth Universities, was recently launched to scholars from across the world.

Available online at www.copyrighthistory.org the Arts and Humanities Research Council (AHRC) funded resource enhancement project Primary Sources on Copyright (1450-1900) was developed by a team of lawyers and historians led by Professor Martin Kretschmer, Director of BU's Centre for Intellectual Policy & Management (CIPPM), and Professor Lionel Bently, Director of the Centre for Intellectual Property & Information Law (CIPIL) at the University of Cambridge.

Professor Kretschmer said: “**Copyrighthistory.org** offer users anywhere in the world the chance to examine key copyright sources, some of which date back to the invention of the printing press. Original papers charting the contributions of thinkers such as Machiavelli, Martin Luther, John Locke, Daniel Defoe, Immanuel Kant, Wordsworth, Balzac and Victor Hugo have been indexed and made available in facsimile, transcription and translation.”

Professor Lionel Bently added: “The resource reflects growing public concern about copyright issues raised, in particular, by the advent of the internet revolution. Copyright law used to be a topic that only affected authors and the industries that exploited their works.

“Today, everyone who uses a computer, operates a web page, accesses online materials, or downloads music needs to be wary of copyright rules. In the past copies were made by the exploiters – publishers, broadcasters or the film and record industries – now they are being made by individuals in their offices or at home.”

The earliest document in the collection is Johannes of Speyer's monopoly, awarded to the German craftsman by the Venetian Signoria, the first known record of a printing privilege granted by a European government, in 1469. From there, the history of copyright law in Britain, France, Italy,



Germany and the United States is traced up to the 1886 Berne Convention – which broke through the national boundaries restricting copyright law.

Notable among the British papers is the original parchment copy of *The Statute of Anne of 1710*, the world's first general copyright law, and a model for much subsequent legislation. *The Statute of Anne* granted authors and their publishers an exclusive term of 14 years (today the duration of copyright lasts for the life of the author plus 70 years). The parchment copy reveals that a last section was tacked on late in the process of legislation, allowing authors to renew their copyright for another 14 years. In order to receive copyright protection, all books had to be registered at Stationers' Hall, London, the livery hall of the ancient guild of printers where the digital archive was formally opened.

Users will be able to examine Martin Luther's indignant *Admonition To The Printers*, written in 1525 after one of his manuscripts was stolen by a typesetter, who then reaped the profit of having it printed overseas. The father of Protestantism compares such actions to those of “highwaymen and thieves”, adding: “God will see to it that the profit you make on this will just suffice for you to smear your shoes with it!” The archive also features prints and privileges by the German Renaissance artist Albrecht Dürer, William Hogarth's intervention that led to the 1735 Engraver's

Copyright Act, the philosopher Denis Diderot's letter on behalf of the Paris book trade (1763), and the constitutional clause of the United States (1789) that gave Congress the power to legislate in the fields of patents and copyright in order “to promote the progress of science and the useful arts”.

It is hoped that the digital archive will not just prove useful to scholars and legal historians, but inform legislative debates, such as the Government's current review of exceptions to copyright law, and the push by record company executives to extend the European copyright term in sound recordings from 50 to 95 years.

“History suggests that legislators should be wary when industrial interests become concerned with the ‘natural right of authors over the products of their mental labour’, as the publishers expressed their argument for the 1710 Statute, and in the subsequent ‘Battle of the Booksellers’. More often than not, this argument has been shown to be a smokescreen for market control,” said Professor Kretschmer.

“History provides useful insights into why copyright was thought to be desirable and how it has expanded. The primary sources in this collection show that there are many more ways to reconfigure copyright norms than surface in current debate. The regulation of an information society quite urgently needs a wider perspective.”



Stationers' Hall, the birthplace of the British copyright system.



Professor Lionel Bently and Professor Martin Kretschmer with the Stationers' Charter of 1684



Professor Bently with delegates at the launch conference

Fact File

Copyright is a legal concept, enacted by most governments, giving the creator of an original work exclusive rights to it, usually for a limited time. Generally, it is "the right to copy", but also gives the copyright holder the right to be credited for the work

The **copyrighthistory** website is a digital archive of primary sources on copyright from the invention of the printing press (c.1450) to the Berne Convention (1886) and beyond.

The digital resource will be valuable to scholars from all disciplines interested in the history of copyright.

Stationers' Hall is one the few ancient Livery Halls remaining in the city of London.

The Berne Convention was developed at the instigation of Victor Hugo.

The Statute of Anne was the first copyright law in the United Kingdom, enacted in 1709. It is generally considered to be the first fully-fledged copyright law. It is named after Queen Ann, during whose reign it was passed.

Martin Luther was a German monk, theologian, university professor and church reformer.