

TIME OF TROLLING

Dear Linux Magazine Reader,

The Internet was invented for effortless sharing of information. Creators and purveyors of information, however, do not always intend for it to be effortlessly and freely shared. Ever since the Internet emerged from its academic/military roots to become a massive presence in everyday life, a showdown has been in the making.

A company called Righthaven was big in the news this past month. Righthaven has been described many ways over the past year, but according to most news sources, it is a company that makes its money suing websites for copyright infringement. Whole sites have sprung up to trace the activities of Righthaven, including Righthaven Victims (<http://righthaven-victims.blogspot.com/>) and Righthaven Lawsuits (<http://www.righthavenlawsuits.com/>). The litany of Righthaven's activities is like a collection of high-quality ghost stories – too scary to believe, yet all too real to dismiss as mere fantasy. The company has reportedly sued non-profits, part-time bloggers, and various other small-potatoes operations to recover “damages,” reportedly from unauthorized use of copyrighted materials.

You can think what you want about the copyright laws, but they don't just disappear because you don't like them. In fact, as all too many bloggers are learning from Righthaven, they also don't disappear because you don't know about them.

The argument that copyright is an outdated mechanism and copyrights shouldn't even exist actually seems a bit naïve. For one thing, it isn't going to happen: Society has too much invested in the structures of intellectual property for the entire concept to just disappear overnight. For another thing, I'm not sure a majority of the population would even agree with a future in which no one can make a living as an artist, reporter, photographer, writer, or composer because everything they create is immediately and freely replicated.

Whatever the solution, without a doubt, the DMCA is very unpopular with the high-tech crowd. Petitions and protests are going on all the time, which is perfectly legal and acceptable in our free society. But just as a warning: Before you resort to some form of civil disobedience, that is, intentional refusal to follow a law you think is unjust for the purpose of making a political statement, be aware that they won't just put you in jail overnight like the nuke protestors in the 1980s, you could be sued for tens of thousands of dollars, with very little chance for any meaningful defense unless you take some precautions.

If you really don't like the DMCA, by all means, work for its repeal, but in the meantime, you'd be wise to pay attention to it. I'm no lawyer, but here is what I would do if I were you. (These

rules apply to the USA, but similar steps apply in other jurisdictions):

1. Don't copy other people's writing. Be courteous and link. If the material is no longer online, ask permission of the copyright owner to reuse it. There are cases where it is appropriate to quote from other works, if you cite the source and operate in a “fair use” context (typically, not a parallel use – roughly speaking, you can comment on a news story, but you can't make a news story out of someone else's news story).
2. Don't post photos you find online unless you are confident of the origin and you have the permission of the owner.
3. If you download (or, most especially, reuse) material that is covered by a license, *read the license* and make sure you understand it.
4. Register a takedown agent with the copyright office. This simple step fulfills a requirement of the DMCA that will help provide “safe harbor” protection from lawsuits. Check out this story in *Wired*: <http://www.wired.com/threatlevel/2010/10/dmca-righthaven-loophole/>

These rules aren't exactly rocket science. With the exception of the last one, they are all a matter of care and common sense, so they are probably not news to anyone. The news is that obscurity, sincerity, and altruism will offer you no protection now that companies like Righthaven are trolling for dollars.

Joe

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