



The Debate over Copyright Reform Cannot Be Censored

By [Gigi Sohn](#) | November 19, 2012

This past Friday, the House Republican Study Committee released a policy brief entitled *Three Myths About Copyright Law and Where to Start to Fix it*. The brief, examines three common content industry assertions about the benefits of copyright, and concludes that rather than promoting productivity and innovation, current copyright law inhibits them. The brief then makes a number of suggestions to reform the system, including reducing statutory damages, expanding fair use, punishing copyright abuse and shortening copyright terms significantly.

Those of us who for well over a decade have been pushing to have anyone beyond a handful of legislators recognize that copyright is too long and too strong and badly in need of reform were elated. Finally, an influential Congressional committee was giving serious recognition to many of the arguments we've been making!

But that joy was very short lived. Less than 24 hours after the brief was released, the brief was taken down from the RSC's website. RSC Executive Director Paul Teller sent an email that said that the brief "was published without adequate review within the RSC". The email said further "copyright reform would have far-reaching impacts, so it is incredibly important that it be approached with all facts and viewpoints in hand."

One needn't be a detective to conclude that the retraction had less to do with the lack of an "adequate review" and balance and more with entertainment lobbyists coming down on the RSC like a ton of bricks. The defeat of SOPA and PIPA was bad enough – but a paper that would start serious discussion of bringing balance back to copyright law so that it once again accomplishes the Constitutional purpose of "promot[ing] the progress of science and the useful arts"? That was too much for the industry to bear.

The bad news for the movie studios and record companies is that the discussion about how to make copyright law make sense in a digital age has already started in Washington, and it will continue, with or without them. Witness Representative Issa's proposal that would allow people to rip the digital media they own to the devices they own. Or Rep. Lofgren's effort today to use Reddit to crowd-source legislation that would give greater due process protections to owners of seized websites. And of course Public Knowledge has our own list of reforms. And this is happening even before the 113th Congress has started.