Cinderella in Copyright Law: Reconsidering the Role of Copyright Users

Jyh-An Lee[*]

Abstract

The goal of copyright law is not only for private interest but also for public interest. Public interest in copyright law can be viewed as the collective interest of copyright users. Although the legislative intent of protecting users can be found in most of the copyright statutes, users' interests have been occasionally ignored in the copyright policymaking processes. This is partly because the framer of contemporary copyright system chose to first define the copyright scope for owners, and then preserve users' interests as limitations, defenses, or exceptions to copyright. In recent years, users' interests have been furthered sacrificed because of the advance of digital technology and the increasingly strong power posed by the copyright industry. Therefore, it is time to identify the role of copyright users and their behaviors in our copyright system.

This article first draws the relationship between users and the goal of copyright law, and then explores how copyright statutes cope with users and their behaviors. Different types of users and their roles in copyright regime are analyzed as well. This article argues that users' behaviors have important social value that is closely related with the legislative goal of copyright. Finally, using technological protection measures and fair use as examples, this article illustrates how considering users will affect the result of copyright policymaking and court decisions. The aim of this article is not to build a perfect theory for copyright users, but to urge policymaker to put more emphasis on copyright users.

[*] Associate Professor of Law, College of Law and College of Commerce, National Chengchi University; Associate Research Fellow, Research Center for Information Technology Innovation, Academia Sinica. E-mail: jalee@nccu.edu.tw

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