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The Nature of Copyright: A Law of Users' Rights

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THE NATURE OF COPYRIGHT: A LAW OF USERS' RIGHTS. By *L. Ray Patterson* and *Stanley W. Lindberg.* Athens: University of Georgia Press. 1991. Pp. xv, 274. Cloth, $30; paper, $12.95.

Most people unfamiliar with intellectual property law assume copyright vests a property interest in the creator of a work. *The Nature of Copyright* challenges this assumption by asserting that copyright is fundamentally a regulatory concept, a statutory grant of a limited monopoly — not the author's natural law property right by reason of creation. L. Ray Patterson[1] and Stanley Lindberg[2] present a persuasive, detailed historical account of the development of copyright law to support their thesis. Their intent "is to inform as many people as possible — writers, publishers, judges, and users — of the fundamentals of copyright, how it developed, and why" (p. 14).

To achieve its constitutionally mandated goal of promoting learning,[3] Patterson and Lindberg argue, copyright law must be interpreted not only to reward creators and disseminators but also to provide "reasonable rights for the users who provide those rewards" (p. 14). To do so, the authors present an analytical framework for balancing the three rights at stake in the copyright law: the author's right, the publisher's right, and the user's right.

The Nature of Copyright arrives at a time when scholarship in the area of intellectual property is increasing dramatically. Until 1989, the only comprehensive authoritative copyright text was Melville B. Nimmer and David Nimmer's *Nimmer on Copyright.*[4] Now, with the completion of Paul Goldstein's *Copyright: Principles, Law and Practice,*[5] at least two authoritative works exist for practitioners and judges to consult. However, both of these works assume that copyright is an author's property right from the fact of creation.[6] Patterson and Lind-

1. Pope Brock Professor of Law, University of Georgia.

2. Professor of English, University of Georgia; Editor, *The Georgia Review.*

3. The constitutional clause, frequently referred to as the Intellectual Property Clause, reads: "The Congress shall have Power . . . to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." U.S. CONST. art. I, § 8, cl. 8. Patterson and Lindberg note that "science" should be read in light of its eighteenth-century meaning of "knowledge or learning." P. 48.

4. MELVILLE B. NIMMER & DAVID NIMMER, NIMMER ON COPYRIGHT (rev. ed. 1991).

5. PAUL GOLDSTEIN, COPYRIGHT: PRINCIPLES, LAW AND PRACTICE (1989 & Supp. 1991).

6. Almost 30 years ago Melville B. Nimmer asserted: "The fruits of an author's labor seem to be no less deserving of the privileges and status of 'property' than are the more tangible creative efforts of other laborers." MELVILLE B. NIMMER, NIMMER ON COPYRIGHT § 3.1 (1963). Nimmer also referred to copyright as a sophisticated concept of property in intangibles. *Id.* at ii(c).

In 1989, Paul Goldstein stated that property rights "represent the principal vehicle for enabling creators and producers to appropriate the value of their efforts." GOLDSTEIN, *supra* note 4, at § 1.2.

berg's work, although not intended to be a comprehensive text on copyright law, takes aim at conventional notions of the underlying nature of copyright, explaining it as a statutory right rather than property. Consolidating ideas Patterson has been developing in various earlier works,[7] *The Nature of Copyright* is bound to generate controversy and debate by challenging common misunderstandings of the very basis of copyright law.

Patterson and Lindberg first explain copyright's major role in American life. The copyright laws work to govern access to learning and culture, creating the infrastructure that supports the progress of learning in our society (p. 14). Yet widespread misperceptions about the law exist. Misperceptions range from believing that the copyright is "the right to copy" to believing that the primary purpose of the copyright laws is to protect authors. Copyright ownership is much more complicated than merely "the right to copy" and its primary purpose is to promote public welfare by the advancement of knowledge.

Part One of *The Nature of Copyright* traces the developmental twists and turns of copyright law over four centuries. The authors begin with copyright's original conception in England as a private right developed by the stationers, the businessmen who controlled the manufacture and sale of books under royal charter, and follow the development of the law through the implementation of the Copyright Act of 1976. Although slow reading at times, the historical analysis shows how and why the copyright laws developed and lends credible support to Patterson and Lindberg's logical but extraordinary view of the nature of copyright.

Copyright dates back to 1557 when Philip and Mary Tudor granted the Stationers' Company a royal charter and exclusive monopoly to publish books in England. The crown's motivation for granting such a monopoly was to gain the inherent governmental control over the press that such a royal charter created. The crown acquired the ability to censor the press and prevent the publication of "seditious, heretical, and schismatical materials" (p. 23). Indebted to the crown, the stationers controlled the output of the press. The stationers agreed among themselves that the first member to register the title of a manuscript or "copy" received an exclusive right of publication in perpetuity.[8] The Stationers' Company could bind only members to

7. *See* LYMAN R. PATTERSON, COPYRIGHT IN HISTORICAL PERSPECTIVE (1968); L. Ray Patterson, *Free Speech, Copyright, and Fair Use,* 40 VAND. L. REV. 1 (1987); L. Ray Patterson & Craig Joyce, *Monopolizing the Law: The Scope of Copyright Protection for Law Reports and Statutory Compilations,* 36 UCLA L. REV. 719 (1989); Lyman R. Patterson, *Private Copyright and Public Communication: Free Speech Endangered,* 28 VAND. L. REV. 1161 (1975); Lyman R. Patterson, *The Statute of Anne: Copyright Misconstrued,* 3 HARV. J. LEGIS. 223 (1966). Patterson also has written extensively in the field of legal ethics.

8. As Patterson and Lindberg note, the very term *copyright* betrays the notion of user's

their rules and as a self-regulating body resolved all disputes among themselves. As a system of private law, indirectly sanctioned by royal charter, the stationers' copyright was extremely successful, lasting for almost two centuries and providing the framework for the first statutory copyright.

The first statutory copyright, granted in the Statute of Anne, was also a tool for state censorship, but more importantly it was a way of limiting the perpetual copyright that had been employed within the Stationers' Company. Passed in 1710, the Statute of Anne protected authors' rights to their works, *not* publishers' rights in manuscripts. Authors became the beneficiaries of the first statutory copyright only after the booksellers failed to persuade Parliament to provide protection directly to the booksellers. Once copyright became known as an author's right, "publishers were able to argue that copyright was the author's property by reason of creation under natural law" (p. 45). Patterson and Lindberg assert that retaining this fiction causes judges and others who interpret the copyright law to lose sight of copyright's underlying goal: the promotion of learning (pp. 134-45). Parliament passed the Statute of Anne not to provide authors or publishers with protection from users but to protect the public from the overzealous publishers who controlled the field and thus controlled access to learning and knowledge. The Statute of Anne transformed the stationers' copyright from a private monopoly of the booksellers "into a trade-regulation concept to promote learning and to curtail the monopoly of publishers."[9] Patterson and Lindberg argue that the U.S. Constitution carried over and specifically stated this concept and purpose (pp. 47-48).

Patterson and Lindberg demonstrate that copyright in the American legal system,[10] stemming from the constitutional grant of power to Congress, aims primarily to benefit the public by promoting knowledge and learning.[11] The rights granted to authors that are assigned to publishers are merely incidental, a necessary evil to achieving the public benefit:

> It is good that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of secur-

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rights. The origin of the term developed from the right that accompanies the manuscript or "copy," hence the "copyright." The *copy* in *copyright* was originally a noun, not a verb. P. 22.

9. P. 28. The monopoly previously enjoyed by the Stationers' Company was not in the hands of authors. Also, the Statute of Anne created a copyright with a definite term of years, whereas the Stationers' copyright lasted in perpetuity.

10. Patterson and Lindberg trace the development of copyright law in England subsequent to the Statute of Anne and its transplant to the United States. They devote four chapters to the history of copyright law in the United States. This detailed chronology, although lengthy, is important as a basis for the authors' theories and conclusions.

11. *See supra* note 3.

ing the good.[12]

Not only should copyright not last a day longer than necessary, Patterson and Lindberg add that its scope should not be enlarged beyond the limited monopoly necessary for the incentive to create and distribute. Copyright law only guarantees authors protection of their copyright; authors are not guaranteed the *greatest* profit possible, as many have come to believe.

The constitutional grant of power to Congress manifests three policies for copyright: the promotion of learning; the preservation of the public domain; and the protection of the author. Implicit in these three policies, Patterson and Lindberg argue, is a fourth: the right of individuals to use copyrighted materials (pp. 52-53). Only with such a right can the ultimate goal of promoting learning be accomplished. The copyright granted to authors is a "functional concept: its function was to encourage the author to distribute the works he or she created; its purpose was to promote learning" (p. 52).

The Nature of Copyright asserts that, in enacting the Copyright Act of 1976,[13] Congress clearly chose the statutory-grant theory of copyright over the natural law creative-work theory. Subsequent judicial misinterpretation of the act inappropriately applying a property law theory, however, has caused copyright law to approach unconstitutional heights of protection.[14] The interpretation that copyright is not merely a property right but a property right based on natural law gives rise to the idea that it should be an absolute right (p. 119), a dangerous theory, Patterson and Lindberg contend, that threatens to thwart copyright law's goal of promoting learning. "[T]he grant of copyright by Congress is not a right but a privilege . . . [;] those who accept this privilege assume an obligation to fulfill the constitutional purpose of copyright, the promotion of learning" (p. 236). One who accepts a copyright makes a bargain with society. The author receives a limited monopoly. In return, the author is obligated to allow public access to the work and to preserve the work for the public domain. Patterson and Lindberg find support for their statutory-grant theory in various aspects of the law.[15] For Patterson and Lindberg, the threat copyright poses to freedom of speech as an "instrument that enables

12. THOMAS B. MACAULAY, *A Speech Delivered in the House of Commons, February 5, 1841, in* SPEECHES ON POLITICS & LITERATURE BY LORD MACAULAY (Ernest Rhys ed. 1909).

13. 17 U.S.C. §§ 101-810 (1988).

14. Patterson and Lindberg argue that certain interpretations of copyright have approached, if not exceeded, constitutional limits imposed by both the Copyright Clause and the First Amendment by imposing a tax on public information. Pp. 105, 128-31.

15. Abolition of the common law copyright by federal preemption eliminated the basis for claiming that the statutory copyright is grounded in natural law. Also, Patterson and Lindberg argue, the 1976 Act clearly separated ownership of the work from ownership of the copyright in that work, thus showing that the author's interest in the work itself, and not in the copyright, is the property right that arises by reason of the author's creation of the work. The interest in the copyright of that work is, therefore, a statutory right. Pp. 120-22.

one to control the flow of information" (p. 132) justifies the imperative of viewing copyright as primarily a regulatory theory (pp. 124-25). A property right as a concrete right often outweighs political rights; only by viewing copyright as regulatory in nature can one construe it in a manner consistent with free-speech rights (pp. 131-33).

Patterson and Lindberg argue that various fictions and fallacies employed in contemporary copyright law threaten the fundamental purpose of copyright. Classifying corporations as authors under the work-for-hire doctrine and extending copyright protection to items most people would not consider writings[16] are two such fictions (pp. 136-37). The two most important fallacies Patterson and Lindberg cite are the notions that the author is the primary beneficiary of copyright and that copyright is the private property of the author. In reality, *The Nature of Copyright* asserts, the public is the primary beneficiary and copyright is a trade regulation privilege that requires certain obligations.

One of the most interesting chapters deals with the scope of the right to copy (Chapter Eleven). The analysis is timely in an age of personal copiers, widespread copying, and recent court decisions finding infringement for photocopying portions of copyrighted works for use in a university setting.[17] Patterson and Lindberg provide a detailed analysis of the right to copy granted in section 106 of the 1976 Act and conclude that it must be viewed as a dependent right. To constitute infringement, copying must be accompanied by one of the other exclusive rights, i.e., adaptation, distribution, performance, or display. Otherwise, any copying, even for private purposes, would be infringement (p. 153). The right to copy, secured as one of the "exclusive rights" in section 106,[18] is not infringed by the mere private copying of a work. However, copying along with sale, distribution, display, or one of the other exclusive rights secured in section 106 could infringe the copyright. The authors clearly distinguish between copying by competitors and copying by users (p. 158), a distinction resurrected

16. The constitutional requirement of a "writing" has been stretched to include television broadcasts, phonograph albums, and other forms of expression. Pp. 135-36.

17. *See, e.g.*, Basic Books, Inc. v Kinko's Graphics Corp., 758 F. Supp. 1522 (S.D.N.Y. 1991).

18. Section 106, "Exclusive rights in copyrighted works," states:

> Subject to sections 107 through 120, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:
> (1) to reproduce the copyrighted work in copies or phonorecords;
> (2) to prepare derivative works based upon the copyrighted work;
> (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
> (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly; and
> (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.

17 U.S.C. § 106 (1988 & Supp. IV 1992).

in Chapter Fourteen on the law of users' rights. Patterson and Lindberg argue for a presumption that the copying of a literary work when not done for publication is either a personal use or a fair use because it does not involve the use of the work's copyright (p. 159). To assist in this analysis, Patterson and Lindberg maintain it is critical to keep separate the notion of ownership of the copyright and ownership of the work.

The distinction between ownership of the work and ownership of the work's copyright is also critical to the authors' development of a balanced scheme of rights in Part Three of *The Nature of Copyright.* Devoting one chapter to each of the three interests at stake in the law of copyright — the author, publisher, and user — Patterson and Lindberg apply the theories developed in the preceding eleven chapters, focusing on moral rights for the author, marketing rights for the entrepreneur, and learning rights for the user.

The Law of Authors' Rights (Chapter Twelve) is the most disappointing section of the book, presenting ideas that lack prior development. Many of Patterson and Lindberg's arguments involve changing widely held perceptions of copyright law, yet in discussing authors' rights they concede to the public perception. They accept the view that the doctrine of fair use protects users and competitors, although they recognize elsewhere that it was originally developed to protect the author.[19] Accepting the historically inaccurate interpretation of the fair use doctrine, however, assists their argument for limiting the scope of copyright. Apparently for this convenience, the authors do not refute this misperception.

Patterson and Lindberg argue that the law of authors' rights should be built around moral rights. The moral right of authors is a composite right, encompassing the right of integrity, the right of paternity, and the right of disclosure and withdrawal.[20] Although visual artists now have some statutory protection for their moral rights,[21] other creators must look to the courts for protection, an approach that in the past has been unsuccessful.[22]

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19. Pp. 66-68. Patterson and Lindberg note that in Folsom v. Marsh, 9 F. Cas. 342 (C.C.D. Mass. 1841) (No. 4901), then-Judge Story created the fair use principle as a substitute for the English "fair abridgment doctrine," which allowed a second author to abridge the first author's work without infringing. The fair use doctrine, as originally promulgated, allowed a competitor to use only that portion of the first author's work that would not "sensibly diminish the value" of the original work. By supplanting the previous doctrine, the fair use principle was actually an enlargement of copyright holders' monopolies, not a diminution as often assumed. P. 68.

20. *See* Russell J. DaSilva, *Droit Moral and the Amoral Copyright: A Comparison of Artists' Rights in France and the United States,* 28 BULL. COPYRIGHT SOCY. U.S.A. 1, 3 (1980); John H. Merryman, *The Refrigerator of Bernard Buffet,* 27 HASTINGS L.J. 1023, 1027-28 (1976); Martin A. Roeder, *The Doctrine of Moral Right: A Study in the Law of Artists, Authors and Creators,* 53 HARV. L. REV. 554, 556 (1940).

21. *See infra* notes 24-25 and accompanying text.

22. In 1976, John Henry Merryman noted that protection for moral rights "simply does not exist in our law. Indeed, this proposition is so clear that there are few recorded instances in

Patterson and Lindberg assert that an author's right to terminate an assignment of her copyright[23] gives her a reversionary interest in the work upon which the courts could base the protection of moral rights (p. 169). As a result of this reversionary interest, an author should have the right to prevent distortion of his or her work, to insist on identification as the creator, and to object to misidentification. Patterson and Lindberg argue that moral rights, by preserving the integrity and identity of a work, would also serve the public interest by enabling the public to identify the author of a work and benefit from the efforts of that author. This theme is consistent throughout the book: all aspects of copyright law must be applied with the goal of promoting learning. Interestingly, Patterson and Lindberg note that the creation of a doctrine of moral rights — often referred to as a "right of personality" — in American copyright law might help correct public and judicial perception of copyright as only embodying economic rights. Moral rights would also allow authors an alternative to infringement actions, thus creating avenues for the development of other doctrines such as users' rights.

A major shortcoming of this section is the authors' failure to discuss the implications of the Visual Artists Rights Act[24] passed on December 1, 1990. This act marks a significant change in the copyright law, but it is mentioned only in a footnote (p. 229 n.1). Although limited only to works of visual art, The Visual Artists Rights Act grants the creator protection for certain aspects of moral rights, including a right to claim authorship and prevent the use of his or her name as the creator of a work he or she did not create and a right to prevent intentional mutilation or modification that would be prejudicial to his or her honor or reputation.[25]

The Law of Publishers' Rights (Chapter Thirteen) discusses how the application of copyright law should be restricted to its constitutional boundaries. The crucial distinction between a work and the work's copyright must be recognized and applied. The publisher's role is instrumental; exploiting the market for a work enables the pub-

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which artists have attempted to seek judicial protection of interests analogous to those of the moral right of the artist." Merryman, *supra* note 20, at 1036 (footnote omitted). A handful of cases do exist presenting the question whether moral rights are protected under U.S. law. In each of these cases, the court denied protection. *E.g.*, Vargas v. Esquire, Inc., 164 F.2d 522 (7th Cir. 1947); Crimi v. Rutgers Presbyterian Church, 89 N.Y.S.2d 813 (Sup. Ct. 1949); Shostakovich v. Twentieth Century Fox Film Corp., 196 Misc. 67, 80 N.Y.S.2d 575 (Sup. Ct. 1948), *affd.*, 87 N.Y.2d 430 (App. Div. 1949); *cf.* Gilliam v. American Broadcasting Cos., 538 F.2d 14, 24 (2d Cir. 1976) (noting that an artist's moral rights are not protected under American copyright law but holding that the federal trademark statute prohibits misrepresentation of an artist's work through unauthorized editing).

23. *See* 17 U.S.C. § 203 (1988).

24. Pub. L. No. 101-650, 104 Stat. 5128 (1990) (codified at scattered sections of 17 U.S.C. (Supp. II 1991)).

25. 17 U.S.C. § 106A (Supp. 1991).

lisher to compensate the author, but because a publisher owns only the copyright and not the work, the publisher's right is derivative in nature and limited to an interest in the copyright, not the work itself. Consequently, the copyright holder only controls the primary market and not the use of the work after publication and sale. Therefore, publishers, as copyright holders, are attempting through notices forbidding any copying to "mak[e] private law in disregard of public law" (p. 185). The publishers' control must be kept in check so as not to consume the public interest copyright is mandated to serve.

Throughout the book, the authors remind the reader of the influence the publishing industry has had not only on the drafting of the copyright acts but also the development of the law in the courts and in the minds of the public. As the authors point out, familiarity breeds acceptance (p. 143). Warnings and admonishments, many of which Patterson and Lindberg assert are legally incorrect, bombard the user of copyrighted works. Over time these incorrect claims of the law become accepted as the law. Patterson and Lindberg's book attempts to act as a counterbalance to the almighty publishing industry. The authors claim such developments as a licensing system for the individual copying of copyright works, better thought of as a users' tax on published information or a type of "economic censorship," are unconstitutional and an unlawful use of copyright (pp. 186-88).

The Law of Users' Rights (Chapter Fourteen), as the book's title suggests, is the culminating chapter. To assist the law in properly balancing the interests at stake, Patterson and Lindberg present a new doctrine: the right of personal use.[26] Defined as "the private use of a work for one's own learning, enjoyment, or sharing with a colleague or friend — without any motive for profit" (p. 193), personal use protects the consumer while fair use protects the competitor. Personal use and fair use remain separate, thereby not binding the user by the same restrictions applied to a competitor and promoting learning without destroying the incentive for authors to create and disseminate their work. Personal use as developed by the authors includes copying so long as not for public distribution, sale, or as a functional substitute for a copyrighted work currently available on the market at a reasonable price. The authors assert that without a rule of personal use Congress would have exceeded its authority under the Copyright Clause (p. 196).

Chapter Fourteen also examines the four factors considered in a determination of whether the use made of a work falls within "fair

26. Patterson and Lindberg begin the chapter on users rights with a set of quotes:
Users have no rights.
—ASCAP Lobbyist, 31 January 1990
If the law supposes that, . . . the law is a ass, a idiot.
—Charles Dickens
P. 191.

use."[27] The right of learning must be balanced with the right to profit. Only when one makes use of the copyright, not the work itself, can possible infringement exist to which a fair use analysis may then be applied. Because the fair use doctrine originated to permit a fair competitive use, Patterson and Lindberg recommend following a step-by-step analysis in applying section 107, the fair-use section of the 1976 Act. The authors assert that the fair-use doctrine should be applied to unpublished material and to new communications technology such as computer software (pp. 213-22).

Patterson and Lindberg acknowledge the incentive theory of copyright — a monopoly granted as incentive to create — but they question the extent to which it has been carried. The real incentive is for the publishers to publish, with the authors, in turn, receiving their incentive to create from publishers. This is critical to remember as the copyright term is lengthened. Patterson and Lindberg state "that the argument that the author's copyright is *necessary* to encourage the creation of works is in fact an argument that the publisher wishes to have that strongest possible copyright in order to be able (or willing) to pay an author" (p. 188). *The Nature of Copyright* asserts that the value of the incentive should only be enough to encourage production and dissemination, not the highest value possible (p. 158). Copyright owners must not be allowed to "transmute copyright from a device to protect the work for the market (a limited monopoly) into a device for guaranteeing a profit (an absolute monopoly)" (p. 221).

Patterson and Lindberg's theory of copyright challenges the large majority of people who view copyright as a natural law proprietary right, those who feel "expenditure of mental or physical effort, as a result of which there is created an entity, whether tangible or intangible, vests in the person who brought the entity into being, a proprietary right . . . ."[28] Many of the ideas challenged in *The Nature of*

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27. Section 107 in its entirety reads:

Notwithstanding the provision of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include —

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. § 107 (Supp. 1991).

Recent cases continue the trend of narrowing the realm of uses deemed to be "fair use." *See* Pierre N. Leval, *Toward a Fair Use Standard,* 103 HARV. L. REV. 1105 (1990); Lloyd L. Weinreb, *Fair's Fair: A Comment on the Fair Use Doctrine,* 103 HARV. L. REV. 1137 (1988).

28. David Libling, *The Concept of Property: Property in Intangibles,* 94 L.Q. REV. 103, 104 (1978).

Copyright seem ingrained in our thinking regarding copyright law. Although Patterson and Lindberg make persuasive arguments based on how and why copyright developed, their ideas face a long road to acceptance given the widespread adherence to incorrect notions about the law.

Many commonly believe the principal purpose of the copyright law is to recognize and protect the rights of authors in their intellectual works, thereby creating the incentive to produce and disseminate such works. Patterson and Lindberg not only vehemently stress that copyright's primary effect is benefiting the public, they show, through a historical account, that the *principle purpose* of copyright is to protect the public and promote learning. As Patterson and Lindberg challenge the fundamentals of copyright that many take for granted, they expose the dangers of the fictions and fallacies embodied in the copyright law. *The Nature of Copyright* 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.

If nothing more, *The Nature of Copyright* acts as a balance to the assertions and proclamations of those with a vested interest in the copyright law: publishers. Just as Dr. Seuss' Lorax spoke for the trees,[29] Patterson and Lindberg speak for the little guy in the world of copyright, the user.

— *Lydia Pallas Loren*

29. DR. SEUSS, THE LORAX (1971).