

Decherney, Peter. *Hollywood's Copyright Wars: From Edison to the Internet*. New York: Columbia University Press, 2012. 304p. \$34.50.

*Reviewed by Jacquelyn McCloud**

¶37 “Times have changed, but the issues themselves are not new” (p.2), states Peter Decherney in the introduction to *Hollywood's Copyright Wars: From Edison to the Internet*. Decherney, a film scholar and associate professor of cinema studies, English, and communication at the University of Pennsylvania, lends his authoritative voice to an account of the history of the Hollywood film industry and its relation to copyright law in the United States.

¶38 Beginning with Thomas Edison's attempt to control the film industry during the early 1900s, Decherney discusses transformative innovations in film tech-

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nology and the resulting influence technology has had on the film industry during the last century, concluding with present-day issues regarding digital media and the Digital Millennium Copyright Act.¹¹ While film technology has changed, Decherney successfully shows that the issues surrounding innovation remain the same. Piracy, authorship, and industry self-regulation emerge as dominant themes.

¶39 Each of the book's five chapters examines a period of transformation for the Hollywood film industry. Decherney begins by examining the creation of movies and piracy (chapter 1) and the emergence of the studio system and plagiarism (chapter 2). Next, he explains the impact of television (chapter 3), home video, and fair use on the film industry (chapter 4). The last chapter focuses on the creation of the Internet, digital media, and digital copy protection.

¶40 Early in the book, Decherney states that: "Copyright law is the battlefield on which media piracy battles are fought" (p.11). Decherney delves into the respective roles of the stakeholders in the piracy battle and the tension between old and new media. On one side there are "incumbent businesses trying to protect their investment in older media by resisting the new. On the other side, today's pirates are often tomorrow's moguls, who are simply pushing the limits of new technology in directions that have yet to be assimilated" (*id.*). The incumbent-pirate paradigm is repeated throughout the book. For example, early in film history, directors defended the right to borrow ideas from literature and theater, thus rebuffing claims of plagiarism. A few decades later, directors were on the other side of the argument. During the 1960s, directors championed "moral rights" (p.127) in an effort to prevent the studios from licensing new versions of their works for television.

¶41 Examining piracy raises the question of authorship. To this end, Decherney discusses selected legal cases that sought to answer the authorship question in the context of U.S. copyright law. He focuses more on the context and backstory surrounding these cases than the actual text of the decisions. His approach breathes life into the opinions and makes the discussion of authorship under copyright law accessible for all readers. For those who are interested, there are extensive footnotes as well as case citations.

¶42 Decherney also discusses the policy and extralegal resolutions to copyright conflicts in Hollywood. He uses the talent guilds as an example of the self-regulation Hollywood has preferred over judicial resolution. For instance, during the 1920s the Screen Writers Guild (later known as the Writers Guild of America) established terms for film rights and screen credits and negotiated disputes between writers and producers in an effort to handle such matters in-house rather than through the court system. In-house regulation was also used by the film industry during the 1980s to resolve its video rental problem, which emerged as a result of the VCR.

¶43 *Hollywood's Copyright Wars* is an enjoyable and engrossing work about the history of the American film industry. It provides an insightful discussion of U.S. copyright law in the context of film and media. It is well organized and extensively footnoted and has an adequate index. This book is recommended for academic law libraries, undergraduate libraries, and public libraries.

11. 17 U.S.C. §§ 1201–1205 (2006).