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On teaching artists' rights

August 29, 2007 5:51 PM - [comments \(21\)](#)

Film schools are in the business of creating filmmakers -- artists with film. Their job is to teach both the skill and the ethic of an artist. The skill in making film; the ethic of creating art.

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So what lesson do film schools teach their students about copyright? Unfortunately, in some at least, the most striking lesson is on how best to become an [artistic-sharecropper](#).

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That at least seems to be the lesson being taught at the [University of Hawaii's Academy of Creative Media](#). All film students must sign a [copyright agreement](#) that either renders their work "work for hire" or assigns completely all copyright in their creative work to the ACM. (After two years, the student gets a nonexclusive license to the work, but the copyright remains with ACM). ACM becomes the black hole for these rights. What they do with them is not clear.

But what is clear is the lesson ACM is teaching: That you, the creator, deserve no creative- or copy-right for your creativity. That right should be owned by the man. And while (at least so long as you're good) the man might grant you a nonexclusive license to your creativity, don't even think about the idea that what you create is yours to control. Copyright at ACM at least is not a right grant to "authors," it is a right taken from the authors by the University.

Is there anything illegal in this? No. Is there anything immoral in this? Probably not. But I should think that at least some film students will decide where they want to learn how to be film makers by thinking a bit about the values of the school they attend. IMHO, these are precisely the opposite of the values we ought to be teaching creators.

Posted on August 29, 2007 5:51 PM | [Permalink](#)

Comments (21)

Steve:

August 29, 2007 6:55 PM

I wonder what the legacy of this is. I mean historically if that was their policy I suspect they took the approach that it was the simplest way to insure that the school would be able to be able to use student work. I imagine they use it as part of their instructional materials, showing off what's being done to alumni and prospective students, etc.

The school wanted to have pretty open ended rights to the material so rather than making a contract that outlines sublicensing rights, duplication rights, etc, they just make students hand over the copyright. It's lazy lawyering. This is better for them than having a contract that outlines the schools rights but then potentially needing to modify things later.

It seems like the best way to do this now would be to go with a creative commons license of some sort. It would save them the trouble of having to craft their own contract. Students could maintain their copyright but give a relatively liberal license to the school for it's use. One would hope that, either way, the school has course work on intellectual property rights and the first week is about what they really signed away when they enrolled there :)

Something to think about though is how it would fly if an art school had that kind of policy...

Mark :

August 29, 2007 7:31 PM

I think you are being exceedingly generous in labeling them as sharecroppers. At least sharecroppers hold out some hope of realizing a return for their effort, although the agreements rarely favor the poor farmer. The ACM document seems more like indentured servitude. These people are earning their passage to the new promised land of corporate employment. Once they graduate, they will be well trained to assume their position as a corporate sharecropper.

Patrick Ross:

August 29, 2007 9:51 PM

I agree that students should be able to own the works they've worked so hard to produce; that is certainly the case with most MFA programs regarding the written word. I wonder if there's some other reason for this, however, such as the university owning the copyright in order to provide the student shielding from slander, libel or copyright infringement suits that could potentially result from their work. After all, as students they will be more at risk of making such mistakes but likely less capable of defending themselves.

If that is the case, there are presumably better ways of handling it, ones where the student could choose what rights to give up in exchange for some liability protection.

Crosbie Fitch:

August 29, 2007 9:52 PM

Copyright is a suspension of artists' rights.

It is ethical to neutralise it, i.e. copyleft.

It is ethical to reject it, e.g. public domain dedication.

It is unethical to harness it - to exploit its suspension of other artists' liberty and ability to violate their privacy.

So, ACM may actually be being highly ethical, by preventing their students from suspending the liberty of other artists. If ACM retains the copyright they can ensure the students aren't able to harness it. However, this requires that ACM ensure that when the work is published it is published under a copyleft licence.

What would be laudable would be for ACM to teach their students that they have no right to suspend the liberty of other artists. This requires the confiscation of the artists' copyright.

You are arguing for the students to have the privilege of controlling what other artists may do with their published works. I am arguing that the artist has a right to do what they want with any published work, to build upon it, or to share it.

Remember 'free culture'?

What is cultural freedom?

- A) Artists being able to control other artists
- B) Artists not being able to control other artists

I don't know what whacky books you've read about free culture, but being able to control culture is its antithesis.

Austin McGee:

August 29, 2007 10:00 PM

The college that I went to (www.DigiPen.edu) which teaches how to create video games has the same deal. Every single thing you do at the school is signed over to them, including source code, art assets, ideas, etc. They straight up tell you that if you have a good idea for a video game to not make it at the school because the school will then own it.

The reasoning they give is pretty weak, primarily that they don't want students having to deal with the possibility that companies will try to buy or license their games (which has happened numerous times), and they also want the rights to promote the school using the games or projects.

It's pretty weak and the students don't like the policy, but it is an amazing school to learn how to make video games, so we all dealt with it. We certainly ran up against times in which the school went against our wishes and used our games for something we didn't believe in. See the Toblo and Slamdance debacle (<http://toblo.csnation.net/slamdance.html>).

Peter:

August 29, 2007 10:48 PM

this is common practice in many universities I know ... one, for example, introduced lab notebooks that "belong to the university" and have to be handed in to supervisors, so the uni would be able to grab any trace of "intellectual" "property" and turn it into money.

it is not only truly sad, it is also totally impractical -- essentially trying to deprive the world of any good idea any of the students could have had since nobody within the university would be able to sift through all these lab notebooks hunting for exploitable i.p.

on a more positive note: quite a number of lecturers told students that it could make perfect sense to have two notebooks ... one for the uni and one for their research ...

Christian T:

August 30, 2007 3:05 AM

"The reasoning they give is pretty weak, primarily that they don't want students having to deal with the possibility that

companies will try to buy or license their games" - Austin McGee

I would be more interested in their explanation of why a company seeking to license/buy a student's game would be negative for that student.

will:

August 30, 2007 11:15 AM

The school I studied at in the UK had the same deal, though nothing was signed. They or the exam board (I forget which now) owned the copyright to any (design and tech.) coursework submitted.

I seem to remember a schoolgirl who was caught out by this several years ago when she and her parents tried to turn an idea from her coursework into a product and the exam board claimed ownership. I can't dig out the links to support this unfortunately!

Austin McGee:

August 30, 2007 5:43 PM

Christian T:

They say that the added hassle of having to deal with a company and the potential of getting screwed over by unscrupulous people is what the main deal with it is. They want the student to focus solely on the schoolwork. We take an average of 20 semester credits (with a max of 22) so they have a nice idea, but really I think it's a very weak reason.

Really what it comes down to is the people in power in the administration don't take advice from students because "we don't know anything". They're fairly set in their ways and are extremely hard to change.

NDK Creative Artist:

September 1, 2007 1:40 AM

The creation, fostering and perpetuation of ignorance in any subject, partial or entire, is an effort to gain a critical exploitative advantage over another individual or group.

In any society, where freedom of expression is upheld as a pillar of that society's right to exist, such ignorance puts the lie to the very real chains that society is laying into the minds of its citizens. Chains of ignorance, invisible though they may be, are nonetheless shackles on liberty and freedom that chafe upon the lives and spirit of any being who wants to realize their dreams and live a life that can truly pursue liberty and happiness.

The traditional industry of art & entertainment and society itself has obfuscated intellectual property law to a degree that is injurious to society, civilization and the advance of culture, and this corrupt deceptive practice has gone on far too long. Alternatives are necessary to the honest and sincere advance of civilization. An honest and complete education is an important first step.

The art & entertainment industry is a rights-based industry; no rights, no industry, no freedom of expression, a civilization chained--invisibly, but chained nonetheless. Dr. Lessig's observation is not just of a phenomena isolated to one particular school, it is a part of a global ignorance. The mythology that has grown up around intellectual property law is a part of the confusion, deceit and corruption that prevents imaginative and innovative people from improving their economic condition through ethical commercial exploitation of their original works. It is, in short, a way to keep the Wealthy, wealthy and the Poor, poor. The whole "starving struggling artist" mythology is a part of this deception. It and this fostering of intellectual property ignorance has got to go.

such sweet thunder:

September 1, 2007 6:50 PM

"So what lesson do film schools teach their students about copyright? Unfortunately, in some at least, the most striking lesson is on how best to become an artistic-sharecropper."

I question whether your post is missing the broader structures at play. One of the mantras when I was in music school (which also had a similar copyright policy) was: "Don't work for cheap, but do work for free."

As an artist, it's integral to both your career and personal development to give without expecting an immediate financial return. These situations include promotional activities and chances to collaborate with artists or work in situations that will enable you to develop your voice; which, at least to me, seems to be the case when you decide to attend an arts school. I suggest that this may be the lesson.

As written about above, the policy probably has much to do with lazy lawyering as it does with any lesson, but I don't particularly see an ethical problem with the contract.

edward:

September 3, 2007 4:08 AM

Fully agree with what you said, here is my additional 2 cents:

Just finish the Frontier Visionary Interview with Alvin Toffler (

<http://www.hwswworld.com/uploaddownload/interview/toffler.mp3>), I was impressed by his sharp mind as well as his talking speed, that is probably why he could made those precise predictions, such as Prosume, a combination of outsourcing and DIY

Through the interview, the following viewpoints have been drawn:

1. There is no truth, only the correctness of truth to be proved. That is the fundamental limitation of human perception of reality
2. Minority power is good in certain way; it is ridiculous a high school drop out shall have the same voting as that of post-doctor. Elite ruling is good for a less developed world for sure
3. To fix the education system, the key is not the system itself; the key is people, especially those students. How to motivate them is a key challenge, since current generation and future generations need not study and work hard in order to make a decent living as we did before
4. The causes and effects of innovation to drive knowledge creation is yet a wild land or wonderland to be fully explored
5. There is a possibility for business miniature to happen, it will be not a shame any more for one-man shop, or one-shop man
6. Where will the modern civilization head on remains an open question
7. Human intelligence will be enhanced through technology advancement

Vasya:

September 4, 2007 11:49 AM

You know, several years ago back there in Kazakhstan (there is such a country) the examination system was totally ruined and replaced by a simple "fill in the gap" tests. The result is... hardly 20% of students are on lessons. Maybe, it's not so bad at your place?

RV:

September 5, 2007 3:15 PM

I agree with Mark in his sharecropper comments.

Karl:

September 7, 2007 4:36 AM

Professor,

Your support for the rule of law, and holding corporations to the fair bargain created under the traditional notion of American copyright, is noble. However, I'm not sure the hyperbole in this post helps your argument. I do believe the "Artists' Right" can cut against your ideals as well.

As you know, in much of the world, the right of first sale and other values you have espoused as being integral to systems that "promote the progress..." are non existent due to an inherent moral authority put into the hands of the artist, even after their works are purchased by consumers. This "have your cake and eat it too" mindset appears to hover on the periphery of your logic here.

I do not agree with the acts of the school in this case, but as you say they are certainly within their rights under U.S. Copyright law. The students, if they agree, must be getting something in return for forgoing these rights, be it lower tuition or additional student aid. It shouldn't come as a surprise that striking a delicate balance is the key, and I'm not sure throwing around terms like "sharecropper" and "the man" is the way to educated choices in this matter.

Respectfully,
Karl Davis

Arizona Auto Insurance, Car, Home Owner Insurance:

September 10, 2007 3:08 AM

I want us to get back to being a country that upholds its laws and the constitution.

Lemi4 aka. fERDI:):

September 20, 2007 2:59 AM

OOT: the above auto-insurance spam is very clever (just oh-so slightly on topic); so is this Internet Archive proofreading CAPTCHA system (retype obfuscated text to help the preservation of Knowledge!).

As for the issue of academic sharecropping: we hardly have any IP issues in Indonesia. Heck, we hardly have practical IP in

Indonesia. Unless its a big corpo against a big corpo. Or a big college against a big corpo. That's all I have to say for the moment.

(So like, am I spamming too?)

interracialgirl:

September 30, 2007 1:33 AM

This blog try to explaint how Film schools make themselves asfilmmakers through a business way of creating. Just as it said -- artists with film. I quite agree that they try to teach both the skill and the ethic of an artist. The skill in making film; the ethic of creating art.

But i don't agree that the "most striking lesson is on how best to become an artistic-sharecropper". Indeed most them focus not on this but some other thing,such as film knowledge,artist knowledeg,just as some opioion show in

<http://interracialsingleonline.com/> some get the very thing they ,however, some feel they learn useless thing during the time.

May be to learn something or not, it donesn't depend on the schools but people themselvies.

e02:

October 3, 2007 6:46 PM

Fantastic! Great news, and great work.

Adrian Lopez:

October 6, 2007 2:49 AM

I had an angry confrontation with one of my Computer Science professors after he insisted that my final project would become the property of the school, and that any company wishing to use it would have to ask the University's permission. I objected to the effect that, according to copyright law, any works I create independent of an employer belong to me as the author. He was so angry that for a minute there I though he would punch me. I ended up dropping out over the issue (first the class, and eventually the school).

A friend put me in contact with a lawyer, and the school eventually changed its policy to indicate that the copyright to student's work belongs to the student. It was a small victory, in the end, but the incident rather killed my enthusiasm for the school. I did end up graduating, but only several years later.

At least some universities allow the students to declare their works public domain as an alternative to a copyright transfer.

Jessica:

October 10, 2007 11:04 AM

I think this is a very serious issue, these students are only given one option without getting proper information of an alternative route for their creative works. I think this is where learning about Creative Commons should be implemented most!

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