

Book review: 'Digital Copyright Law and Practice', by Simon Stokes

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DOI: [10.5033/ifosslr.v6i1.100](https://doi.org/10.5033/ifosslr.v6i1.100)

Abstract

Katie Hill reviews Digital Copyright Law and Practice, a book which is due to come out in 2014.

Keywords

Law; information technology; Free and Open Source Software; intellectual property; copyright; book review

Simon Stokes's Fourth Edition of Digital Copyright Law and Practice is a fairly comprehensive explanation on the topic of digital copyright and related areas and contains précis of interesting (for the most part) and relevant case law and legislation as well as some commentary and practical examples of how various issues could be addressed in reality.

The opening pages explain that the aim of this book in relation to digital copyright is "to help educate rights owners, users and their lawyers of these challenges so that they can better protect and exploit their copyrights". To write a book which is designed to guide three groups of people who are likely to have disparate levels of knowledge and different requirements is a real challenge and it is unclear why anyone would declare this aim so baldly unless they felt that they had accomplished it.

Although the precedents and checklists section at the end of the book may prove to be instructive and useful for both lawyers and their clients (though will clearly need revision with future developments), I am unconvinced that this book fully achieves its stated aims. The book is also rather awkward and unwieldy in places. The "rights owners and users" focussed sections may prove to be irritating for lawyers and it is possible that the lawyer orientated sections will have a soporific effect on non-lawyers.

The book does, in certain places, go into some depth of explanation on the basics of copyright (which seems designed for the layman) but fails adequately to cover all bases if its intention is to start from first principles assuming practically zero knowledge. For example, joint authorship is rather glossed over and this may lead to confusion when the nuances are later discussed. The text delves into legislation and case law across the world which is perhaps only really exciting for lawyers. A little more commentary and discussion on the issues and the views of the author on how this impacts practice going forwards may be interesting and assist in breaking up these rather dry lawyer-focussed sections. That said, a full text on the basics which also gives deep critical insight into law and practice would extend this book to a tome of such a size as to become

unappealing and a line has to be drawn somewhere.

This, however, is nothing to a major issue which is exemplified by the following statement: “Some argue that copyright ought not to exist or at least it should be severely limited in its application. The ‘open source’ or ‘copyleft’ movement discussed later in this book is one example of this”.

Ideally, in that discussion, Mr Stokes would give a further explanation of F/OSS and correct this statement but alas, the page and a half committed to open source’s “challenge” to software copyright neither corrects nor clarifies, and the final two page section merely provides a slightly alarmist checklist for companies considering open source. The fact that in a book dedicated to digital copyright there are a measly four pages dedicated to open source and a couple of scattered references seems bizarre. But worse than that, the text misrepresents the F/OSS movement. This potentially misleads its readers and must be addressed in the fifth edition.

About the author

Katie Osborne is a solicitor at Moorcrofts LLP, a boutique technology firm based in Thames Valley. Katie transferred to Moorcrofts for the final part of her training contract in order to work under the guidance of Andrew Katz and remained with the firm once she qualified. Katie now acts for a wide range of clients both based in England and abroad in non-contentious commercial issues, intellectual property and technology. Katie has recently passed Harvard Law School's distance learning course on US copyright law and has a particular interest in FOSS and open hardware and data issues.

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This paper was published in the International Free and Open Source Software Law Review, Volume 6, Issue 1 (December 2014). It originally appeared online at <http://www.ifosslr.org>.

This article should be cited as follows:

Osborne, Katie (2014) 'Book Review: Digital Copyright Law and Practice', *International Free and Open Source Software Law Review*, 5(2), pp 69 – 70
DOI: 10.3366/ifosslr.v6i1.100

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