

Government Responses to Large-Scale Copyright Disputes

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For over a century and with increasing frequency, major controversies have erupted between large aggregators of copyrights (song publishers, movie studios, record labels, book publishers, etc.) and technologists (player piano manufacturers, VCR manufacturers, the creators of file-sharing software, Google Books, etc.). Usually, the copyright holders and the new technologists reach a licensing deal—but not without some form of government intervention. Various institutions within the federal government have become involved in these disputes, using a variety of different mechanisms. This article is a theoretical investigation of government intervention in these large-scale copyright disputes. We categorize policy tools not only based on how they allocate rights, but only based on their implications for gathering information about the impact of new technology. We further argue that some government actions might be able to facilitate, hasten, or otherwise encourage a licensing deal, whereas other government actions might be counterproductive. The ultimate goal of the article is to suggest what governmental institutions should become involved and what mechanisms should those institutions employ under what circumstances.