

There isn't an eye patch or hook in sight, but three young computer geeks and a businessman have suddenly made piracy very sexy in Sweden. The four founders of a popular file-sharing service called Pirate Bay became instant underdog cyber-heroes as they took the stand in court in February against US media giants such as Sony and Warner Brothers. The four potentially face up to two years in prison and fines of up to \$180,000 if they are found guilty of infringement of copyright laws.

Skull and crossbone flags flutter outside the court, every utterance is blogged and twitter-ed and new recruits are flooding to a Pirate political party that has overtaken the Green Party in terms of members. The contentious file-sharing website (www.piratebay.org) continues to taunt the music and film industry with insults and the spectre of lost profits as an estimated 22 million users swap files ranging from U2's latest album to Oscar-winning films such as *Slum Dog Millionaire*.

The entertainment industry is keen to change the image of the Pirate Bay from one of cyber freedom fighters to one of businessmen (albeit with unusual facial hair) profiting at the expense of artists. Monique Wadsted, the Motion Picture Association of America (MPAA) representative in Sweden, calls it simply theft: 'It's not a political trial or shutting down a people's library or one that wants to prohibit file sharing as a technique. It's a trial regarding four individuals that have conducted a big commercial business, making money out of others by file sharing works – copy protected works, movies and hit music, popular computer games etc.'

Former IT entrepreneur and founder of the Pirate Party Rickard Falkvinge sees it differently: 'The problem is that politicians have chosen not to listen to young people. We have this new technology and culture of file sharing, but the politicians have chosen to criminalise us. The music industry is doing everything to prevent the spread of culture. In Sweden we are putting a flag in the ground and uniting to put an end to their lobbying.'

Students for free culture

Sweden isn't the only place where flags are being put in the ground. A couple of months previously, in December 2008, on the opposite side of the globe, Students for Free Culture held their first national meeting in Berkeley. They consciously chose to hold the meeting at the US university, which became renowned for the launch of the Free Speech Movement, which campaigned against a ban on political activities on campus and sparked a subsequent nationwide wave of activism in the 1960s.

Students for Free Culture was started by two students in Pennsylvania who received legal threats in 2003 from the electronic voting manufacturer Diebold for publishing embarrassing internal company emails that revealed serious technical flaws in its voting systems. The company's machines were used in the controversial elections in Florida in 2000.

Rather than backing down, the students organised to get the emails published on even more websites and counter-sued the company for abuse of copyright law. Political and media attention forced Diebold to announce it would abandon its attempts to stop the distribution of the memos. The students hope to launch a

movement that has similar impact to the Free Speech Movement.

'Like the Free Speech movement, we are fighting against the top-down control of speech and are motivated by beliefs about basic rights. The differences are in our ability to organise electronically – our Mario Savio [one of the leaders of the Free Speech Movement] is more likely to inspire with a blog post than with a speech,' says Berkeley student Alex Kozak, one of the organisers.

The national meeting at Berkeley – titled an 'unconference' – committed itself to fight for open access to university research, using free and open software within universities, pushing for free licensing of any university patents related to health or software. It also promised to continue to pick fights with any attempts to control the open nature of the internet and to take on corporations that try to quash artistic creativity and free speech with lawsuits.

Mayo Fuster Morell, a Catalan activist and researcher on digital issues, believes that 'the movement has a high level of commitment and clear ideas. It is not possible to reverse what they want to do. The goal of universal access to knowledge is hugely motivating and linked with other social movements will have a huge impact.'

Piracy and the digital revolution

Are teenagers freely swapping music, films and other files over the internet undermining corporate control of entertainment and creating a revolutionary culture of sharing and universal access to knowledge? NICK BUXTON explores the political edge of the digital piracy and 'free culture' movements

Growing up digital

Throughout the world, the experience of 'growing up digital,' as technology writer Don Tapscott has called it, has created a pattern of behaviour and cooperation that, largely unconsciously, undermines corporate control of culture, information and ideas. 'It is part of the identity of my generation to create and share content on large social networks, organise events online and share with each other our favourite music and movies, sometimes legally and sometimes not,' says Alex Kozak. 'This behaviour has led to an unconscious dedication to the culture of sharing.'

Sharing albums via the internet or in person, editing music and TV footage for YouTube videos or mixing tracks to produce one's own music is part of the everyday experience of most teenagers. The internet has also facilitated the emergence of communities that have the tools to collaborate across borders and produce software, music and films that previously could only be done by resource-rich corporations. This has

led to a burgeoning movement of free software and open source technicians, independent media activists and creative artists and writers.

Certainly not all elements of this burgeoning movement are political. Libertarian attitudes are also just as likely (perhaps more likely) to be found on the left. Nevertheless, it is clear that the experience of growing up digital is starting to politicise young people who find pride in the collaborative models that they are developing and are determined to defend it where it is threatened.

Corporate backlash

Inadvertently, corporations are supporting this

And these legal actions are likely to continue. As corporations' possibilities for increasing profit diminish at a time of recession and against a systemic capitalist tendency for overproduction, patents are one of the few mechanisms that insulate companies from competition and keep prices for branded products (whether they be music albums or Microsoft software) high. The entertainment and cultural

National Barbie in a Blender Day

Tom Forsythe's penchant for photographing famed doll Barbie in sexually provocative poses with kitchen equipment was an unlikely strategy for winning mass appeal, if toymaker Mattel hadn't humourlessly decided to sue him for breach of copyright. Their strategy backfired when Forsythe refused to back down, enlisted the support of American Civil Liberties Union, and eventually won the case against Mattel. The judge called the suit "unreasonable and frivolous" and instructed Mattel to pay legal costs of \$2 million dollars. To celebrate a victory of free speech, Students for Free Culture hold an annual competition of best photos of Barbie in a Blender. You can send your Barbie art (and yes, you can also include photos of Ken) by visiting <http://barbieinablender.org/>

politicisation by their desperate attempts to limit the culture of sharing. In addition to its frequent actions to close down file-sharing sites such as Pirate Bay (and, famously, before that Napster), the Recording Industry Association of America (RIAA) in the last five years has sued more



industry is one of the largest and most profitable in the developed world, especially in the US and Japan. Four companies control 70 per cent of the world's music market. Copyright industries in the US have typically outperformed other industries, contributing as much as 24 per cent of overall economic growth in 2007. These corporations usually don't produce the content and tend not to employ creative producers directly but rather identify and invest in a small number of artists who can create the most value. They concentrate on licensing and maintaining the maximum length of control of the intellectual property and exercising these rights in as many arenas as possible (film, TV, DVDs, merchandise).

Corporations are not willing to let go of this control easily. Apart from legal threats, companies benefit from the largely corporate control of access to the internet and via agreements with popular websites like YouTube and Google. In January 2009, they succeeded in pressurising Eircom in Ireland to become the first internet service provider to block access to all file-sharing content, and they undoubtedly hope to pressure other ISPs to follow suit.

They have backed this up with pressure to change the law in many countries. Where they don't have sufficient influence on politicians domestically, they have used the arsenal of regional free trade agreements and even blunt diplomatic threats to impose stricter intellectual property regimes and to target file-sharing sites. The first attempt to close down Pirate Bay in 2006, in which Swedish police confiscated servers, took place after threats from the US embassy against the Swedish government. Mark Getty, chairman of Getty Images, one of the largest owners of copyrighted materials famously said: 'Intellectual property is the oil of the 21st century.' Digital activists

took this to mean that corporations and countries, like the US and Britain, would be willing to go to legal and possibly literal war to protect and control it.

Losing control

Despite their best efforts, there is a sense that the corporations face an impossible task in trying to put free culture back into a safe pre-digital box. Felix Stalder, media researcher at Zurich University, says: 'I think the war on piracy is failing for social reasons. People like to communicate, to share things, to transform things and technology makes it so easy that there is no way of stopping it.'

Pirate Party's Richard Falkvinge compares the struggle to the attempts by the church to control information and culture in the Middle Ages: 'We are seeing the same struggle today. Fifteen years ago

we had one source communicating to the many, like a newspaper or TV station. Today, however, with the internet, millions of people are exchanging culture and information, so there is no way of controlling this information.'

Pirate Bay's founders have said that regardless of the trial's outcome Pirate Bay will continue to exist as it is now set up on servers across the world set up in such a way that

even the owners don't know where they are. Notably, Getty Images was sold in 2008 after its stock prices plunged with the rapid rise of cheaper and open-access images on the web. In January 2009, Apple announced it would remove anti-copying restrictions (known as digital rights management) on all of the songs in its popular iTunes store.

Most significant, perhaps, are the strong alternatives and new models of knowledge sharing that are emerging as cracks appear in the weakening structure of intellectual

property. In the digital world, free and open source software, such as the Firefox browser and Open Office suite, are taking off as alternatives to Microsoft. The collaborative and free-to-use internet encyclopaedia Wikipedia has emerged as the fourth most popular website worldwide (after Google, Yahoo and MSN). Increasing number of projects are now carried out collectively and collaboratively across the internet with limited hierarchical direction and without proprietorial control of the end product.

In the entertainment sphere, bands such as Radiohead and Nine Inch Nails have shown that bypassing corporate media companies by allowing people to pay what they want to download an album can still ensure artists get rewarded for their creative work. Creativity shows no signs of being squashed by the decline in profits of companies like Sony music. More than 130 million works by writers, photographers, and film producers have been assigned with Creative Commons licences, designed to make it easier for people to share and build upon the work of others.

German activist Sebastian Lütgert from Pirate Cinema believes that 'what we are witnessing is the coming of producers rather than consumers, and that suggests a new economic model for society.' In practical terms, researcher Dorothy Kidd notes that 'the open source software movement offers a good model for how decentralised network structures can work. It is an example that contradicts the ideology that says that public institutions are not flexible and dynamic enough to work.' She believes that these practices need to be incorporated into social movements' practices and their articulation of alternatives.

There will be challenges in doing this – and it is important not to over-romanticise developments like the free

'It's not the problem of the pirates to figure out how to compensate artists or encourage invention away from the current intellectual property system ... Our job is just to tear down the flawed system that exists, to force the hand of society to make something better'
Pirate Bay Pete

