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If you write a few paragraphs about how the Little Tramp rested his slightly bent cane, in a chapter on silent movie comedians’ props, in a scholarly monograph on the cinema, and you illustrate your point with a depiction of it, as you’ve depicted a hundred other points, somebody might threaten to sue, pretending that they—not humanity—own all things Chaplinesque. You can probably sing “Happy Birthday to You” scot-free in a pizza parlor, but put the scene in a film and you could be sued by the song’s owner. (Yes!)

The new Rock and Roll Hall of Fame and Museum in Cleveland has sued someone who did a poster using a photo of the building; leonine twins Patience and Fortitude may not be depicted without the New York Public Library’s permission (woe to the couturier who poses a model on Fifth and 42nd; the Chrysler Building has taken out a trademark of its fabled spires. It’s a private-property disease reaching epidemic proportions: If I can “register” in some abstract, bureaucratic, legalistic way some item, some view, some phraseology known hitherto by the whole world to be theirs in common, I can start suing everyone who doesn’t yet realize the planet in its wisdom has vouchsafed to me alone ownership of the item, view or wording. This is a paradise for attorney-types.

What’s next? How about personal names? “Charles McKee Franklin” is the name of my firstborn. I’ll register it if anyone, ever, dares to name their child the same, I (or my heirs, successors, transferees and/or assigns) will sue, demand a recall of the child, destruct-

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right law brought by and solely favoring huge corporations, to the severe detriment of librarians, publishers and scholars; as Congress enacts special legislation giving Disney an arbitrary 20 more years of exclusivity for their mice and ducks and dogs; as the American Library Association prostrates itself before, and awards instant honorary membership to, Microsoft’s chairman, who is buying up all the imagery of the 19th and 20th century that is so safe while predicting that libraries won’t be necessary someday soon because, via your home terminal, Microsoft will have everything you need just a click away and for an extremely reasonable fee; as news-publishing-entertainment giants buy and swell and step up their lawsuits (you can’t say that; you can’t show that); as the First Amendment becomes moot because whether it’s naughty or not you’ll still have to pay to say it—as all this is happening, we have, now, the largest- looming threat in memory to the free flow of ideas: The “Mutilateral Agreement on Investment” (called MAI); and thanks to Al Kagan of SRRT for details I have abstracted) is a hyper free-trade treaty currently being negotiated by the Organization for Economic Cooperation and Development (OECD) that would prevent governments from creating new laws in conflict with MAI and enable corporations to take governments to court for trying to enforce existing laws. Under its provisions a foreign information services company could set up U.S. operations, define its services as equivalent to libraries, and demand, under MAI, treatment equal to that which libraries enjoy (government funding in other words), leading probably (what government would subsidize a foreign for-profit?) to severe shrinkage or even shutting of public libraries (leaving private or fee-for-service libraries to blossom), and, likely, to attacks on “fair use” doctrines within copyright law on the simple grounds that this would interfere with the foreign corporation’s ability to make a profit. They could challenge “fair use” in an international tribunal under MAI’s “expropriation” clause. Americans are everywhere envied and resented. What do you think would happen at the tribunal?

Cut to the conclusion: In 50 years, all information and all pictures will be owned by six international corporations, all in constant battle with each other (now five! then four!), each far more powerful than any nation or group of nations (yet immune to that final resort, military action, being mostly just terminals and clerks), each charging fees for any publication, transmission, depiction, advertisement, speech or other expression, with profound punitive capabilities should pockets of patriot protestors hold out on them.

Thus it is that one loyal reader discerns the long path wherein the trademarking of literary titles is but a stepping-stone.


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