

Book Reviews

Alex Sayf Cummings. *Democracy of Sound: Music Piracy and the Remaking of American Copyright in the Twentieth Century.* New York: Oxford University Press, 2013. 257p. \$29.95 (ISBN 978-0-19-985822-4). LC2012-041759.

The unauthorized reproduction of sound recordings today is generally discussed only in terms of the Internet and the unprecedented ease by which digital files can be copied and transferred. In *Democracy of Sound: Music Piracy and the Remaking of American Copyright in the Twentieth Century*, Alex Sayf Cummings shows that the file-sharing activities and concerns of recent decades are just the latest chapter in more than a century of technological, legal, and social change. Shaping this history is the persistent tension between consumers—who find enjoyment, entertainment, and identity through music—and the composers, performers, and (to the greatest degree) corporations that own the associated copyrights and seek to maximize profit by controlling the availability and use of their products. Also part of this equation are pirates, those individuals and organizations that reproduce and distribute recordings in violation of the law, clearly disrupting the authority of copyright holders, as well as diminishing their profits in some cases. As Cummings demonstrates, though, the motivations and effects of music pirates are as diverse as the wide range of music being pirated, and, as legal restrictions and penalties have become increasingly severe, a valuable aspect of creative culture is being lost.

Cummings is certainly critical of the record industry, but his purpose is not to support or justify piracy. Rather, he sets out to understand piracy—its origins, its functions, its costs, its benefits—and the reactions to it. In doing so, he presents the most nuanced, balanced, and complete assessment of unauthorized music copying yet published. Since the advent of

recorded sound in the 1870s, some manner of piracy has existed, whether it was counterfeit wax cylinders, out-of-print 78s reproduced by jazz and opera collectors, bootleg LPs of live performances and studio outtakes, remixed samplings of recordings circulated on cassettes and CDs by aspiring hip-hop artists, or mp3s of new and old music alike shared on sites like Napster and Limewire. In the case of out-and-out counterfeiting within the United States, Europe, or other established markets, where unofficial recordings were passed off for the original releases by reproducing not only the sound content but also the original packaging, the deleterious effect on the record industry is apparent. But for other types of piracy, the true economic consequences are harder to discern. Many times, piracy simply “filled in the cracks between official supply and real demand” (209) by satisfying consumers’ interest in obscure, forgotten, or emerging music that did not offer the financial rewards expected by the industry.

The logic of supply and demand, however, did not compel the record industry to change its practices and try to reach underserved audiences. Instead, it called for stricter laws and stiffer penalties over the course of the twentieth century to tamp down unauthorized reproduction of any sort and to confine consumers as much as possible to popular music that brought the greatest returns on investment. While no business is begrudged for pursuing profits, the expanded protections the record industry sought often ran counter to the foundational liberties of U.S. copyright law, designed not only to reward the work of artists and craftspeople but also to encourage subsequent creative expression by others. For much of the century, legislators and courts resisted applying copyright protection to sound recordings, which, for



a variety of reasons, did not come under federal law until the Sound Recording Act of 1972. Though certainly a milestone in the record industry's efforts to quash piracy, Cummings notes that this new law was a harbinger of more changes to come, and it "marked a turning point in American thought about culture, technology, and property" of all types. As the Copyright Act of 1976 and subsequent laws and rulings would later reflect, "the new way of thinking emphasized protection of capital outlays...rather than incentives [for artists to create new works]. By reinterpreting copyright in this way, Congress showed a willingness to view whatever was good for business as being good for copyright and the public in general" (135). This is one of many strong, compelling points conveyed in the book, characterizing not only how copyright was remade during the twentieth century but also how large media companies have gained the upper hand.

Though ultimately the record industry lobbied successfully for changes in the law to protect its interests, Cummings observes a growing uneasiness about the current state of copyright, noting "a diverse movement among scholars and activists [that has] emerged to counter the perceived excesses of intellectual property law in the twenty-first century" (203). With *Democracy of Sound*, Cummings joins that movement, expanding and reframing ideas put forth in other notable recent books that grapple with the past, present, and future of technology, copyright, and personal liberty, such as Lewis Hyde's *Common as Air: Revolution, Art, and Ownership* (New York: Farrar, Straus, and Giroux, 2010) and Siva Vaidhyanathan's *The Googlization of Everything (And Why We Should Worry)* (Berkeley: University of California Press, 2011), along with serious appraisals of the record industry, like Steve Knopper's *Appetite for Self-Destruction: The Spectacular Crash of the Record Industry in the Digital Age* (New York: Free Press, 2009). "Uncritical support for intellectual property rights places private interests high above those of the public" (217),

Cummings concludes, and *Democracy of Sound* is an important resource to inform further such critique. For that reason, this book should be part of every library collection, and it is essential reading for all librarians, who will benefit from the historical lessons and be reminded of the fundamental freedoms our work relies on and must strive to uphold. —D.J. Hoek, *Northwestern University*.

Tomas A. Lipinski. *The Librarian's Legal Companion for Licensing Information Resources and Services*. Chicago: Neal-Schuman, 2013. 734p. paper, \$130.00 (ISBN: 978-1-55570-610-4). LCCN: 2012-18173.

The Librarian's Legal Companion for Licensing Information Resources and Services will prove to be "the Bible" for librarians—particularly academic librarians—who seek to learn, and navigate, the intricacies of licensing agreements. As Professor at the School of Library and Information Science, Indiana University-Purdue University, Indianapolis, author Tomas A. Lipinski, JD, LL.M, PhD, is well positioned to present the legal issues of licensing in a manner narrowly tailored to his principal audience, librarians and library administrators. His research is comprehensive and impressive, particularly when he cites case law and legal literature as evidence. Best of all, this handbook is useful to readers with multiple levels of experience with licensure—from the novice to the expert, rendering it an invaluable reference tool.

In the Preface, Lipinski clearly articulates his authorial intent. He states, "My reason for writing *The Librarian's Legal Companion for Licensing Information Resources and Services* is simple: to allow you to read and understand the law surrounding the contracting of information content and, to a lesser extent, information services in library and related settings." (xv) He emphasizes the role of contract law as foundation for all discussion of licensing. He emphasizes the role of contract law, explores the "intersection of licensing and copyright" (xv), and discusses more