Lecture 10: legal and economic status of the author

I. Privileges on the continent (Italy, France, HRE)
- Monopoly on printing a text for 2-3 years; late 16th longer: 6 years, even 10
- Price sometimes set; penalties made explicit
- Purpose: to protect investment of money and time; for public good
- For new works, or new apparatus on a work; what kinds of works
- Hard to enforce: piracy; sometimes pr
- Protection: privileges from 1481 in Italy (1505 in France), given by state authorities (king, prince, HRE, also pope), applied for by author, printer or publisher

II. The English system
- English peculiarities: printing starts late (Caxton, 1476); relies on foreigners; relies on imports for Latin books.
- Patents are sold in exchange for monopolies on printing a kind of books (Bible, government statute, almanacs etc)
- Stationers’ Company founded 1557, powerful through mid 18th.
Charter of the Stationers’ Company: “That no person within the realm of England or its dominions shall practice or exercise…. The art or mystery of printing of any book or any other thing for sale or commerce within this realm of England unless that person be at the time of the aforementioned printing a member of the community of the aforementioned art or mystery of stationery in [London]. (as quoted in Loewenstein, The author’s due, p. 53)

III. First copyright statutes: 1710 in England; decline of patronage system
- 1695 lapse of licensing act due to anger at abuses of stationers’ company
- 1710 copyright act for 14, 21 years.
- Lockean notion of private property = self and results of one’s labor; Ideas never copyrighted; only formulations of them
- Implicit interpretation as perpetual copyright successfully challenged in Donaldson vs Becket 1774

IV. Position of the author in the patronage system
- MA: “publication”, often through intermediary (friend or patron, and scribe)
- Dedication to a highly place person in hopes of reward (in kind, cash or job)
- Printed dedications: a form of publicity for the relationship; dual dedications? rare
- Author’s agreement with publisher: often participate in funding
- 1754 Samuel Johnson declines patronage—he can live from his pen