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Title: Ebooks: Neither E, Nor Books

Author: Cory Doctorow

Release date: February 1, 2004 [EBook #11077]

Most recently updated: December 23, 2020

Language: English

*** START OF THE PROJECT GUTENBERG EBOOK EBOOKS: NEITHER E, NOR BOOKS ***

Ebooks: Neither E, Nor Books

Paper for the O'Reilly Emerging Technologies Conference, 2004

February 12, 2004

San Diego, CA

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Forematter:

This talk was initially given at the O'Reilly Emerging Technology Conference [<http://conferences.oreillynet.com/cs/et2004>], along with a set of slides that, for copyright reasons (ironic!) can't be released alongside of this file. However, you will find, interspersed in this text, notations describing the places where new slides should be loaded, in [square-brackets].

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For starters, let me try to summarize the lessons and intuitions I've had about ebooks from my release of two novels and most of a short story collection online under a Creative Commons license. A parodist who published a list of alternate titles for the presentations at this event called this talk, "eBooks Suck Right Now," [eBooks suck right now] and as funny as that is, I don't think it's true.

No, if I had to come up with another title for this talk, I'd call it: "Ebooks: You're Soaking in Them." [Ebooks: You're Soaking in Them] That's because I think that the shape of ebooks to come is almost

visible in the way that people interact with text today, and that the job of authors who want to become rich and famous is to come to a better understanding of that shape.

I haven't come to a perfect understanding. I don't know what the future of the book looks like. But I have ideas, and I'll share them with you:

1. Ebooks aren't marketing. [Ebooks aren't marketing] OK, so ebooks *are* marketing: that is to say that giving away ebooks sells more books. Baen Books, who do a lot of series publishing, have found that giving away electronic editions of the previous installments in their series to coincide with the release of a new volume sells the hell out of the new book — and the backlist. And the number of people who wrote to me to tell me about how much they dug the ebook and so bought the paper-book far exceeds the number of people who wrote to me and said, "Ha, ha, you hippie, I read your book for free and now I'm not gonna buy it." But ebooks *shouldn't* be just about marketing: ebooks are a goal unto themselves. In the final analysis, more people will read more words off more screens and fewer words off fewer pages and when those two lines cross, ebooks are gonna have to be the way that writers earn their keep, not the way that they promote the dead-tree editions.

2. Ebooks complement paper books. [Ebooks complement paper books]. Having an ebook is good. Having a paper book is good. Having both is even better. One reader wrote to me and said that he read half my first novel from the bound book, and printed the other half on scrap-paper to read at the beach. Students write to me to say that it's easier to do their term papers if they can copy and paste their quotations into their word-processors. Baen readers use the electronic editions of their favorite series to build concordances of characters, places and events.

3. Unless you own the ebook, you don't own the book [Unless you own the ebook, you don't own the book]. I take the view that the book is a "practice" — a collection of social and economic and artistic activities — and not an "object." Viewing the book as a "practice" instead of an object is a pretty radical notion, and it begs the question: just what the hell is a book? Good question. I write all of my books in a text-editor [TEXT EDITOR SCREENGRAB] (BBedit, from Barebones Software — as fine a text-editor as I could hope for). From there, I can convert them into a formatted two-column PDF [TWO-UP SCREENGRAB]. I can turn them into an HTML file [BROWSER SCREENGRAB]. I can turn them over to my publisher, who can turn them into galleys, advanced review copies, hardcovers and paperbacks. I can turn them over to my readers, who can convert them to a bewildering array of formats [DOWNLOAD PAGE SCREENGRAB]. Brewster Kahle's Internet Bookmobile can convert a digital book into a four-color, full-bleed, perfect-bound, laminated-cover, printed-spine paper book in ten minutes, for about a dollar. Try converting a paper book to a PDF or an html file or a text file or a RocketBook or a printout for a buck in ten minutes! It's ironic, because one of the frequently cited reasons for preferring paper to ebooks is that paper books confer a sense of ownership of a physical object. Before the dust settles on this ebook thing, owning a paper book is going to feel less like ownership than having an open digital edition of the text.

4. Ebooks are a better deal for writers. [Ebooks are a better deal for writers] The compensation for writers is pretty thin on the ground. *Amazing Stories*, Hugo Gernsback's original science fiction magazine, paid a couple cents a word. Today, science fiction magazines pay...a couple cents a word. The sums involved are so minuscule, they're not even insulting: they're *quaint* and *historical*, like the WHISKEY 5 CENTS sign over the bar at a pioneer village. Some writers do make it big, but they're *rounding errors* as compared to the total population of sf writers earning some of their living at the trade. Almost all of us could be making more money elsewhere (though we may dream of earning a stephenkingload of money, and of course, no one would play the lotto if there were no winners). The primary incentive for writing has to be artistic satisfaction, egoboo, and a desire for posterity. Ebooks get you that. Ebooks become a part of the corpus of human knowledge because they get indexed by search engines and replicated by the hundreds, thousands or millions. They can be googled.

Even better: they level the playing field between writers and trolls. When Amazon kicked off, many writers got their knickers in a tight and powerful knot at the idea that axe-grinding yahoos were filling the Amazon message-boards with ill-considered slams at their work — for, if a personal recommendation is the best way to sell a book, then certainly a personal condemnation is the best way to *not* sell a book. Today, the trolls are still with us, but now, the readers get to decide for themselves. Here's a bit of a review of *Down and Out in the Magic Kingdom* that was recently posted to Amazon by "A reader from Redwood City, CA":

[QUOTED TEXT]

> I am really not sure what kind of drugs critics are > smoking, or what kind of payola may be involved. But > regardless of what Entertainment Weekly says, whatever > this newspaper or that magazine says, you shouldn't > waste your money. Download it for free from Corey's > (sic) site, read

the first page, and look away in > disgust — this book is for people who think Dan > Brown's Da Vinci Code is great writing.

Back in the old days, this kind of thing would have really pissed me off. Axe-grinding, mouth-breathing yahoos, defaming my good name! My stars and mittens! But take a closer look at that damning passage:

[PULL-QUOTE]

> Download it for free from Corey's site, read the first > page

You see that? Hell, this guy is **working for me**! [ADDITIONAL PULL QUOTES] Someone accuses a writer I'm thinking of reading of paying off Entertainment Weekly to say nice things about his novel, "a surprisingly bad writer," no less, whose writing is "stiff, amateurish, and uninspired!" I wanna check that writer out. And I can. In one click. And then I can make up my own mind.

You don't get far in the arts without healthy doses of both ego and insecurity, and the downside of being able to google up all the things that people are saying about your book is that it can play right into your insecurities — "all these people will have it in their minds not to bother with my book because they've read the negative interweb reviews!" But the flipside of that is the ego: "If only they'd give it a shot, they'd see how good it is." And the more scathing the review is, the more likely they are to give it a shot. Any press is good press, so long as they spell your URL right (and even if they spell your name wrong!).

5. Ebooks need to embrace their nature. [Ebooks need to embrace their nature.] The distinctive value of ebooks is orthogonal to the value of paper books, and it revolves around the mix-ability and send-ability of electronic text. The more you constrain an ebook's distinctive value propositions — that is, the more you restrict a reader's ability to copy, transport or transform an ebook — the more it has to be valued on the same axes as a paper-book. Ebooks **fail** on those axes. Ebooks don't beat paper-books for sophisticated typography, they can't match them for quality of paper or the smell of the glue. But just try sending a paper book to a friend in Brazil, for free, in less than a second. Or loading a thousand paper books into a little stick of flash-memory dangling from your keychain. Or searching a paper book for every instance of a character's name to find a beloved passage. Hell, try clipping a pithy passage out of a paper book and pasting it into your sig-file.

6. Ebooks demand a different attention span (but not a shorter one). [Ebooks demand a different attention span (but not a shorter one).] Artists are always disappointed by their audience's attention-spans. Go back far enough and you'll find cuneiform etchings bemoaning the current Sumerian go-go lifestyle with its insistence on myths with plotlines and characters and action, not like we had in the old days. As artists, it would be a hell of a lot easier if our audiences were more tolerant of our penchant for boring them. We'd get to explore a lot more ideas without worrying about tarting them up with easy-to-swallow chocolate coatings of entertainment. We like to think of shortened attention spans as a product of the information age, but check this out:

[Nietzsche quote]

> To be sure one thing necessary above all: if one is to > practice reading as an **art** in this way, something > needs to be un-learned most thoroughly in these days.

In other words, if my book is too boring, it's because you're not paying enough attention. Writers say this stuff all the time, but this quote isn't from this century or the last. [Nietzsche quote with attribution] It's from the preface to Nietzsche's "Genealogy of Morals," published in **1887.**

Yeah, our attention-spans are **different** today, but they aren't necessarily **shorter**. Warren Ellis's fans managed to hold the storyline for Transmetropolitan [Transmet cover] in their minds for **five years** while the story trickled out in monthly funnybook installments. JK Rowlings's installments on the Harry Potter series get fatter and fatter with each new volume. Entire forests are sacrificed to long-running series fiction like Robert Jordan's Wheel of Time books, each of which is approximately 20,000 pages long (I may be off by an order of magnitude one way or another here). Sure, presidential debates are conducted in soundbites today and not the days-long oratory extravaganzas of the Lincoln-Douglas debates, but people manage to pay attention to the 24-month-long presidential campaigns from start to finish.

7. We need **all** the ebooks. [We need **all** the ebooks] The vast majority of the words ever penned are lost to posterity. No one library collects all the still-extant books ever written and no one person could hope to make a dent in that corpus of written work. None of us will ever read more than the tiniest sliver of human literature. But that doesn't mean that we can stick with just the most popular

texts and get a proper ebook revolution.

For starters, we're all edge-cases. Sure, we all have the shared desire for the core canon of literature, but each of us want to complete that collection with different texts that are as distinctive and individualistic as fingerprints. If we all look like we're doing the same thing when we read, or listen to music, or hang out in a chatroom, that's because we're not looking closely enough. The shared-ness of our experience is only present at a coarse level of measurement: once you get into really granular observation, there are as many differences in our "shared" experience as there are similarities.

More than that, though, is the way that a large collection of electronic text differs from a small one: it's the difference between a single book, a shelf full of books and a library of books. Scale makes things different. Take the Web: none of us can hope to read even a fraction of all the pages on the Web, but by analyzing the link structures that bind all those pages together, Google is able to actually tease out machine-generated conclusions about the relative relevance of different pages to different queries. None of us will ever eat the whole corpus, but Google can digest it for us and excrete the steaming nuggets of goodness that make it the search-engine miracle it is today.

8. Ebooks are like paper books. [Ebooks are like paper books]. To round out this talk, I'd like to go over the ways that ebooks are more like paper books than you'd expect. One of the truisms of retail theory is that purchasers need to come into contact with a good several times before they buy — seven contacts is tossed around as the magic number. That means that my readers have to hear the title, see the cover, pick up the book, read a review, and so forth, seven times, on average, before they're ready to buy.

There's a temptation to view downloading a book as comparable to bringing it home from the store, but that's the wrong metaphor. Some of the time, maybe most of the time, downloading the text of the book is like taking it off the shelf at the store and looking at the cover and reading the blurbs (with the advantage of not having to come into contact with the residual DNA and burger king left behind by everyone else who browsed the book before you). Some writers are horrified at the idea that three hundred thousand copies of my first novel were downloaded and "only" ten thousand or so were sold so far. If it were the case that for ever copy sold, thirty were taken home from the store, that would be a horrifying outcome, for sure. But look at it another way: if one out of every thirty people who glanced at the cover of my book bought it, I'd be a happy author. And I am. Those downloads cost me no more than glances at the cover in a bookstore, and the sales are healthy.

We also like to think of physical books as being inherently *countable* in a way that digital books aren't (an irony, since computers are damned good at counting things!). This is important, because writers get paid on the basis of the number of copies of their books that sell, so having a good count makes a difference. And indeed, my royalty statements contain precise numbers for copies printed, shipped, returned and sold.

But that's a false precision. When the printer does a run of a book, it always runs a few extra at the start and finish of the run to make sure that the setup is right and to account for the occasional rip, drop, or spill. The actual total number of books printed is approximately the number of books ordered, but never exactly — if you've ever ordered 500 wedding invitations, chances are you received 500-and-a-few back from the printer and that's why.

And the numbers just get fuzzier from there. Copies are stolen. Copies are dropped. Shipping people get the count wrong. Some copies end up in the wrong box and go to a bookstore that didn't order them and isn't invoiced for them and end up on a sale table or in the trash. Some copies are returned as damaged. Some are returned as unsold. Some come back to the store the next morning accompanied by a whack of buyer's remorse. Some go to the place where the spare sock in the dryer ends up.

The numbers on a royalty statement are actuarial, not actual. They represent a kind of best-guess approximation of the copies shipped, sold, returned and so forth. Actuarial accounting works pretty well: well enough to run the juggernaut banking, insurance, and gambling industries on. It's good enough for divvying up the royalties paid by musical rights societies for radio airplay and live performance. And it's good enough for counting how many copies of a book are distributed online or off.

Counts of paper books are differently precise from counts of electronic books, sure: but neither one is inherently countable.

And finally, of course, there's the matter of selling books. However an author earns her living from her words, printed or encoded, she has as her first and hardest task to find her audience. There are more competitors for our attention than we can possibly reconcile, prioritize or make sense of. Getting a book under the right person's nose, with the right pitch, is the hardest and most important task any

writer faces.

#

I care about books, a lot. I started working in libraries and bookstores at the age of 12 and kept at it for a decade, until I was lured away by the siren song of the tech world. I knew I wanted to be a writer at the age of 12, and now, 20 years later, I have three novels, a short story collection and a nonfiction book out, two more novels under contract, and another book in the works. [BOOK COVERS] I've won a major award in my genre, science fiction, [CAMPBELL AWARD] and I'm nominated for another one, the 2003 Nebula Award for best novelette. [NEBULA]

I own a *lot* of books. Easily more than 10,000 of them, in storage on both coasts of the North American continent [LIBRARY LADDER]. I have to own them, since they're the tools of my trade: the reference works I refer to as a novelist and writer today. Most of the literature I dig is very short-lived, it disappears from the shelf after just a few months, usually for good. Science fiction is inherently ephemeral. [ACE DOUBLES]

Now, as much as I love books, I love computers, too. Computers are fundamentally different from modern books in the same way that printed books are different from monastic Bibles: they are malleable. Time was, a "book" was something produced by many months' labor by a scribe, usually a monk, on some kind of durable and sexy substrate like foetal lambskin. [ILLUMINATED BIBLE] Gutenberg's xerox machine changed all that, changed a book into something that could be simply run off a press in a few minutes' time, on substrate more suitable to ass-wiping than exaltation in a place of honor in the cathedral. The Gutenberg press meant that rather than owning one or two books, a member of the ruling class could amass a library, and that rather than picking only a few subjects from enshrinement in print, a huge variety of subjects could be addressed on paper and handed from person to person. [KAPITAL/TIJUANA BIBLE]

Most new ideas start with a precious few certainties and a lot of speculation. I've been doing a bunch of digging for certainties and a lot of speculating lately, and the purpose of this talk is to lay out both categories of ideas.

This all starts with my first novel, Down and Out in the Magic Kingdom [COVER], which came out on January 9, 2003. At that time, there was a lot of talk in my professional circles about, on the one hand, the dismal failure of ebooks, and, on the other, the new and scary practice of ebook "piracy." [alt.binaries.e-books screengrab] It was strikingly weird that no one seemed to notice that the idea of ebooks as a "failure" was at strong odds with the notion that electronic book "piracy" was worth worrying about: I mean, if ebooks are a failure, then who gives a rats if intarweb dweebs are trading them on Usenet?

A brief digression here, on the double meaning of "ebooks." One meaning for that word is "legitimate" ebook ventures, that is to say, rightsholder-authorized editions of the texts of books, released in a proprietary, use-restricted format, sometimes for use on a general-purpose PC and sometimes for use on a special-purpose hardware device like the nuvoMedia Rocketbook [ROCKETBOOK]. The other meaning for ebook is a "pirate" or unauthorized electronic edition of a book, usually made by cutting the binding off of a book and scanning it a page at a time, then running the resulting bitmaps through an optical character recognition app to convert them into ASCII text, to be cleaned up by hand. These books are pretty buggy, full of errors introduced by the OCR. A lot of my colleagues worry that these books also have deliberate errors, created by mischievous book-rippers who cut, add or change text in order to "improve" the work. Frankly, I have never seen any evidence that any book-ripper is interested in doing this, and until I do, I think that this is the last thing anyone should be worrying about.

Back to Down and Out in the Magic Kingdom [COVER]. Well, not yet. I want to convey to you the depth of the panic in my field over ebook piracy, or "bookwarez" as it is known in book-ripper circles. Writers were joining the discussion on alt.binaries.ebooks using assumed names, claiming fear of retaliation from scary hax0r kids who would presumably screw up their credit-ratings in retaliation for being called thieves. My editor, a blogger, hacker and guy-in-charge-of-the-largest-sf-line-in-the-world named Patrick Nielsen Hayden posted to one of the threads in the newsgroup, saying, in part [SCREENGAB]:

> Pirating copyrighted etext on Usenet and elsewhere is going to > happen more and more, for the same reasons that everyday folks > make audio cassettes from vinyl LPs and audio CDs, and > videocassette copies of store-bought videotapes. Partly it's > greed; partly it's annoyance over retail prices; partly it's the > desire to Share Cool Stuff (a motivation usually underrated by > the victims of this kind of small-time hand-level piracy). > Instantly going to Defcon One over it and claiming it's morally > tantamount to mugging little old ladies in the street will make > it kind of difficult to move forward from that position when it > doesn't work. In the 1970s, the record industry shrieked that >

"home taping is killing music." It's hard for ordinary folks to > avoid noticing that music didn't die. But the record industry's > credibility on the subject wasn't exactly enhanced.

Patrick and I have a long relationship, starting when I was 18 years old and he kicked in toward a scholarship fund to send me to a writers' workshop, continuing to a fateful lunch in New York in the mid-Nineties when I showed him a bunch of Project Gutenberg texts on my Palm Pilot and inspired him to start licensing Tor's titles for PDAs [PEANUTPRESS SCREENGRAB], to the turn-of-the-millennium when he bought and then published my first novel (he's bought three more since — I really like Patrick!).

Right as bookwarez newgroups were taking off, I was shocked silly by legal action by one of my colleagues against AOL/Time-Warner for carrying the alt.binaries.ebooks newsgroup. This writer alleged that AOL should have a duty to remove this newsgroup, since it carried so many infringing files, and that its failure to do so made it a contributory infringer, and so liable for the incredibly stiff penalties afforded by our newly minted copyright laws like the No Electronic Theft Act and the loathsome Digital Millennium Copyright Act or DMCA.

Now there was a scary thought: there were people out there who thought the world would be a better place if ISPs were given the duty of actively policing and censoring the websites and newsfeeds their customers had access to, including a requirement that ISPs needed to determine, all on their own, what was an unlawful copyright infringement — something more usually left up to judges in the light of extensive amicus briefings from esteemed copyright scholars [WIND DONE GONE GRAPHIC].

This was a stupendously dumb idea, and it offended me down to my boots. Writers are supposed to be advocates of free expression, not censorship. It seemed that some of my colleagues loved the First Amendment, but they were reluctant to share it with the rest of the world.

Well, dammit, I had a book coming out, and it seemed to be an opportunity to try to figure out a little more about this ebook stuff. On the one hand, ebooks were a dismal failure. On the other hand, there were more books posted to alt.binaries.ebooks every day.

This leads me into the two certainties I have about ebooks:

1. More people are reading more words off more screens every day [GRAPHIC]
2. Fewer people are reading fewer words off fewer pages every day [GRAPHIC]

These two certainties begged a lot of questions.

[CHART: EBOOK FAILINGS]

* Screen resolutions are too low to effectively replace paper

* People want to own physical books because of their visceral appeal (often this is accompanied by a little sermonette on how good books smell, or how good they look on a bookshelf, or how evocative an old curry stain in the margin can be)

* You can't take your ebook into the tub

* You can't read an ebook without power and a computer

* File-formats go obsolete, paper has lasted for a long time

None of these seemed like very good explanations for the "failure" of ebooks to me. If screen resolutions are too low to replace paper, then how come everyone I know spends more time reading off a screen every year, up to and including my sainted grandmother (geeks have a really crappy tendency to argue that certain technologies aren't ready for primetime because their grandmothers won't use them — well, my grandmother sends me email all the time. She types 70 words per minute, and loves to show off grandsonular email to her pals around the pool at her Florida retirement condo)?

The other arguments were a lot more interesting, though. It seemed to me that electronic books are *different* from paper books, and have different virtues and failings. Let's think a little about what the book has gone through in years gone by. This is interesting because the history of the book is the history of the Enlightenment, the Reformation, the Pilgrims, and, ultimately the colonizing of the Americas and the American Revolution.

Broadly speaking, there was a time when books were hand-printed on rare leather by monks. The only people who could read them were priests, who got a regular eyeful of the really cool cartoons the monks drew in the margins. The priests read the books aloud, in Latin [LATIN BIBLE] (to a

predominantly non-Latin-speaking audience) in cathedrals, wreathed in pricey incense that rose from censers swung by altar boys.

Then Johannes Gutenberg invented the printing press. Martin Luther turned that press into a revolution. [LUTHER BIBLE] He printed Bibles in languages that non-priests could read, and distributed them to normal people who got to read the word of God all on their own. The rest, as they say, is history.

Here are some interesting things to note about the advent of the printing press:

[CHART: LUTHER VERSUS THE MONKS]

- * Luther Bibles lacked the manufacturing quality of the illuminated Bibles. They were comparatively cheap and lacked the typographical expressiveness that a really talented monk could bring to bear when writing out the word of God

- * Luther Bibles were utterly unsuited to the traditional use-case for Bibles. A good Bible was supposed to reinforce the authority of the man at the pulpit. It needed heft, it needed impressiveness, and most of all, it needed rarity.

- * The user-experience of Luther Bibles sucked. There was no incense, no altar boys, and who (apart from the priesthood) knew that reading was so friggin' hard on the eyes?

- * Luther Bibles were a lot less trustworthy than the illuminated numbers. Anyone with a press could run one off, subbing in any apocryphal text he wanted — and who knew how accurate that translation was? Monks had an entire Papacy behind them, running a quality-assurance operation that had stood Europe in good stead for centuries.

In the late nineties, I went to conferences where music execs patiently explained that Napster was doomed, because you didn't get any cover-art or liner-notes with it, you couldn't know if the rip was any good, and sometimes the connection would drop mid-download. I'm sure that many Cardinals espoused the points raised above with equal certainty.

What the record execs and the cardinals missed was all the ways that Luther Bibles kicked ass:

[CHART: WHY LUTHER BIBLES KICKED ASS]

- * They were cheap and fast. Loads of people could acquire them without having to subject themselves to the authority and approval of the Church

- * They were in languages that non-priests could read. You no longer had to take the Church's word for it when its priests explained what God really meant

- * They birthed a printing-press ecosystem in which lots of books flourished. New kinds of fiction, poetry, politics, scholarship and so on were all enabled by the printing presses whose initial popularity was spurred by Luther's ideas about religion.

Note that all of these virtues are orthogonal to the virtues of a monkish Bible. That is, none of the things that made the Gutenberg press a success were the things that made monk-Bibles a success.

By the same token, the reasons to love ebooks have precious little to do with the reasons to love paper books.

[CHART: WHY EBOOKS KICK ASS]

- * They are easy to share. *Secrets of Ya-Ya Sisterhood* went from a midlist title to a bestseller by being passed from hand to hand by women in reading circles. Slashdorks and other netizens have social life as rich as reading-circlites, but they don't ever get to see each other face to face; the only kind of book they can pass from hand to hand is an ebook. What's more, the single factor most correlated with a purchase is a recommendation from a friend — getting a book recommended by a pal is more likely to sell you on it than having read and enjoyed the preceding volume in a series!

- * They are easy to slice and dice. This is where the Mac evangelist in me comes out — minority platforms matter. It's a truism of the Napsterverse that most of the files downloaded are bog-standard top-40 tracks, like 90 percent or so, and I believe it. We all want to popular music. That's why it's popular. But the interesting thing is the other ten percent. Bill Gates told the *New York Times* that Microsoft lost the search wars by doing "a good job on the 80 percent of common queries and ignor[ing] the other stuff. But it's the remaining 20 percent that counts, because that's where the

quality perception is." Why did Napster captivate so many of us? Not because it could get us the top-40 tracks that we could hear just by snapping on the radio: it was because 80 percent of the music ever recorded wasn't available for sale anywhere in the world, and in that 80 percent were all the songs that had ever touched us, all the earworms that had been lodged in our hindbrains, all the stuff that made us smile when we heard it. Those songs are different for all of us, but they share the trait of making the difference between a compelling service and, well, top-40 Clearchannel radio programming. It was the minority of tracks that appealed to the majority of us. By the same token, the malleability of electronic text means that it can be readily repurposed: you can throw it on a webserver or convert it to a format for your favorite PDA; you can ask your computer to read it aloud or you can search the text for a quotation to cite in a book report or to use in your sig. In other words, most people who download the book do so for the predictable reason, and in a predictable format — say, to sample a chapter in the HTML format before deciding whether to buy the book — but the thing that differentiates a boring e-text experience from an exciting one is the minority use — printing out a couple chapters of the book to bring to the beach rather than risk getting the hardcopy wet and salty.

Tool-makers and software designers are increasingly aware of the notion of "affordances" in design. You can bash a nail into the wall with any heavy, heftable object from a rock to a hammer to a cast-iron skillet. However, there's something about a hammer that cries out for nail-bashing, it has affordances that tilt its holder towards swinging it. And, as we all know, when all you have is a hammer, everything starts to look like a nail.

The affordance of a computer — the thing it's designed to do — is to slice-and-dice collections of bits. The affordance of the Internet is to move bits at very high speed around the world at little-to-no cost. It follows from this that the center of the ebook experience is going to involve slicing and dicing text and sending it around.

Copyright lawyers have a word for these activities: infringement. That's because copyright gives creators a near-total monopoly over copying and remixing of their work, pretty much forever (theoretically, copyright expires, but in actual practice, copyright gets extended every time the early Mickey Mouse cartoons are about to enter the public domain, because Disney swings a very big stick on the Hill).

This is a huge problem. The biggest possible problem. Here's why:

[CHART: HOW BROKEN COPYRIGHT SCREWS EVERYONE]

* Authors freak out. Authors have been schooled by their peers that strong copyright is the only thing that keeps them from getting savagely rogered in the marketplace. This is pretty much true: it's strong copyright that often defends authors from their publishers' worst excesses. However, it doesn't follow that strong copyright protects you from your *readers*.

* Readers get indignant over being called crooks. Seriously. You're a small businessperson. Readers are your customers. Calling them crooks is bad for business.

* Publishers freak out. Publishers freak out, because they're in the business of grabbing as much copyright as they can and hanging onto it for dear life because, dammit, you never know. This is why science fiction magazines try to trick writers into signing over improbable rights for things like theme park rides and action figures based on their work — it's also why literary agents are now asking for copyright-long commissions on the books they represent: copyright covers so much ground and takes so long to shake off, who wouldn't want a piece of it?

* Liability goes through the roof. Copyright infringement, especially on the Net, is a supercrime. It carries penalties of \$150,000 per infringement, and aggrieved rights-holders and their representatives have all kinds of special powers, like the ability to force an ISP to turn over your personal information before showing evidence of your alleged infringement to a judge. This means that anyone who suspects that he might be on the wrong side of copyright law is going to be terribly risk-averse: publishers non-negotiably force their authors to indemnify them from infringement claims and go one better, forcing writers to prove that they have "cleared" any material they quote, even in the case of brief fair-use quotations, like song-titles at the opening of chapters. The result is that authors end up assuming potentially life-destroying liability, are chilled from quoting material around them, and are scared off of public domain texts because an honest mistake about the public-domain status of a work carries such a terrible price.

* Posterity vanishes. In the *Eldred v. Ashcroft* Supreme Court hearing last year, the court found that 98 percent of the works in copyright are no longer earning money for anyone, but that figuring out who these old works belong to with the degree of certainty that you'd want when one mistake means total

economic apocalypse would cost more than you could ever possibly earn on them. That means that 98 percent of works will largely expire long before the copyright on them does. Today, the names of science fiction's ancestral founders — Mary Shelley, Arthur Conan Doyle, Edgar Allan Poe, Jules Verne, HG Wells — are still known, their work still a part of the discourse. Their spiritual descendants from Hugo Gernsback onward may not be so lucky — if their work continues to be "protected" by copyright, it might just vanish from the face of the earth before it reverts to the public domain.

This isn't to say that copyright is bad, but that there's such a thing as good copyright and bad copyright, and that sometimes, too much good copyright is a bad thing. It's like chilis in soup: a little goes a long way, and too much spoils the broth.

From the Luther Bible to the first phonorecords, from radio to the pulps, from cable to MP3, the world has shown that its first preference for new media is its "democratic-ness" — the ease with which it can reproduced.

(And please, before we get any farther, forget all that business about how the Internet's copying model is more disruptive than the technologies that proceeded it. For Christ's sake, the Vaudeville performers who sued Marconi for inventing the radio had to go from a regime where they had *one hundred percent* control over who could get into the theater and hear them perform to a regime where they had *zero* percent control over who could build or acquire a radio and tune into a recording of them performing. For that matter, look at the difference between a monkish Bible and a Luther Bible — next to that phase-change, Napster is peanuts)

Back to democratic-ness. Every successful new medium has traded off its artifact-ness — the degree to which it was populated by bespoke hunks of atoms, cleverly nailed together by master craftspeople — for ease of reproduction. Piano rolls weren't as expressive as good piano players, but they scaled better — as did radio broadcasts, pulp magazines, and MP3s. Liner notes, hand illumination and leather bindings are nice, but they pale in comparison to the ability of an individual to actually get a copy of her own.

Which isn't to say that old media die. Artists still hand-illuminate books; master pianists still stride the boards at Carnegie Hall, and the shelves burst with tell-all biographies of musicians that are richer in detail than any liner-notes booklet. The thing is, when all you've got is monks, every book takes on the character of a monkish Bible. Once you invent the printing press, all the books that are better-suited to movable type migrate into that new form. What's left behind are those items that are best suited to the old production scheme: the plays that *need* to be plays, the books that are especially lovely on creamy paper stitched between covers, the music that is most enjoyable performed live and experienced in a throng of humanity.

Increased democratic-ness translates into decreased control: it's a lot harder to control who can copy a book once there's a photocopier on every corner than it is when you need a monastery and several years to copy a Bible. And that decreased control demands a new copyright regime that rebalances the rights of creators with their audiences.

For example, when the VCR was invented, the courts affirmed a new copyright exemption for time-shifting; when the radio was invented, the Congress granted an anti-trust exemption to the record labels in order to secure a blanket license; when cable TV was invented, the government just ordered the broadcasters to sell the cable-operators access to programming at a fixed rate.

Copyright is perennially out of date, because its latest rev was generated in response to the last generation of technology. The temptation to treat copyright as though it came down off the mountain on two stone tablets (or worse, as "just like" real property) is deeply flawed, since, by definition, current copyright only considers the last generation of tech.

So, are bookwarez in violation of copyright law? Duh. Is this the end of the world? *Duh*. If the Catholic church can survive the printing press, science fiction will certainly weather the advent of bookwarez.

#

Lagniappe [Lagniappe]

We're almost done here, but there's one more thing I'd like to do before I get off the stage. [Lagniappe: an unexpected bonus or extra] Think of it as a "lagniappe" — a little something extra to thank you for your patience.

About a year ago, I released my first novel, *Down and Out in the Magic Kingdom*, on the net, under the terms of the most restrictive Creative Commons license available. All it allowed my readers to do

was send around copies of the book. I was cautiously dipping my toe into the water, though at the time, it felt like I was taking a plunge.

Now I'm going to take a plunge. Today, I will re-license the text of Down and Out in the Magic Kingdom under a Creative Commons "Attribution-ShareAlike-Derivs-Noncommercial" license [HUMAN READABLE LICENSE], which means that as of today, you have my blessing to create derivative works from my first book. You can make movies, audiobooks, translations, fan-fiction, slash fiction (God help us) [GEEK HIERARCHY], furry slash fiction [GEEK HIERARCHY DETAIL], poetry, translations, t-shirts, you name it, with two provisos: that one, you have to allow everyone else to rip, mix and burn your creations in the same way you're hacking mine; and on the other hand, you've got to do it noncommercially.

The sky didn't fall when I dipped my toe in. Let's see what happens when I get in up to my knees.

The text with the new license will be online before the end of the day. Check craphound.com/down for details.

Oh, and I'm also releasing the text of this speech under a Creative Commons Public Domain dedication, [Public domain dedication] giving it away to the world to do with as it see fits. It'll be linked off my blog, Boing Boing, before the day is through.

#

EOF

That's the end of this talk, for now. Thank you all for your kind attention. I hope that you'll keep on the lookout for more detailed topology of the shape of ebooks and help me spot them here in plain sight.

Cory Doctorow

Midflight over Texas

February 4, 2004

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