



## Issue Zero, May 2012

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### The Captain's Table

– *David W. Campbell, President, Pirate Party Australia*



Welcome to the inaugural issue of the Pirate Party Australia Gazette. This publication has been some time coming and we have finally found a team who we feel can deliver this publication with the polish that it deserves.

It has been a tenacious few months for us, garnering both national and international attention whilst fighting the [Trans-Pacific Partnership \(TPP\)](#) Intellectual Property provisions in Melbourne. We hit hard and we hit fast. Our level of competence and resolution to outright reject the TPP shocked many stakeholders and delegates alike, many of them staring wide eyed and sitting bolt upright for our presentation and even requesting their own copies afterwards.

Our unique position on the political landscape allows us to speak with a level of meticulous accuracy often dulled by external benefactors. We have no ties to corporate interest, religious movements or lavish private funding and therefore we hold an extremely important role. Pirate Party Australia can speak on matters of civil liberties and government transparency with unparalleled and unyielding precision. We made a comprehensive strike in Melbourne and the impact of our exactitude shows, the US have dropped their cards on the table and knee jerked away from stakeholder presentations, revealing their intention of opaque lobbying in the final round all too transparently.

At every turn in our initiatives for TPP & ACTA (1, 2) alike we have been met with puppet show transparency, for too long interest groups and stakeholders have taken what they have been fed by the likes of [DFAT](#) and the [Attorney-Generals Department](#) and been content. We call them on this time and time again, rejecting their claims and demanding absolute transparency. We are met with looks of shock or bewilderment,

#### SEARCH

#### PIRATE PARTY AUSTRALIA

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[May 2012](#)



#### THOUGHTS WE SHARE -

"I can't understand why people are frightened by new ideas. I'm frightened of old ones." -- John Cage



#### UGLY REALITIES

**\$23.40**

The average slice of the pie musicians receive per \$1000 in sales under typical contract arrangements with major recording industry labels. Uhuh. Exactly who is the anti-piracy crusade benefiting again?  
 Source: [Techdirt j.mp/JrZhXk](http://Techdirt.j.mp/JrZhXk)



#### NEWS IN BRIEF

### Federal Labor Government spends 13 times more on document shredding machines than FOI training

"A review of published government contracts by *The Age* has revealed that government agencies spent close to \$10 million on new shredding machines over the past three years.

"By comparison, annual freedom of information reports show that the government spent only \$764,000 in the same period training public servants to process freedom of information applications from the public. The understaffed

sometimes even outrage at our suggestion of deceit as if transparency holds a completely separate definition in their dictionaries. Interaction with negotiators and discussing the contents of leaks is not transparency, its creative obfuscation and pandering. Transparency is showing us entire agreements, before they are agreed upon and for this we must continue to fight.

Fantastic news from our IT systems and Brendan Molloy who have done an amazing job coding and putting in place an [online membership application system](#).

This provides the party with all of the information we require as proof of membership for the Australian Electoral Commission. This will assist us greatly in moving forward to being officially recognised within Australia as a political party, it also provides a simple mechanism for bolstering state party membership. A fresh flood of members are already coming in now that we have knocked down the impeding barrier of paper applications.

Finally, most welcomed was the fantastic result of the [AFACT vs iiNet high court case](#), which aside from the legal ramifications, garnered quite a bit of written press for us and had the bonus of getting us on the BBC World Service in London along side AFACT representative Neil Gale. We are becoming the go-to party on high profile copyright issues. I am happy to see that Three Strikes have finally been applied to the correct party with AFACT's push for our local internet service providers to become internet police put to rest by the high court. It is important for us to stay on top of AFACT however, their press geyser is now spouting out calls for harsher copyright laws that favour their corporate interests "More Appropriately" (see <http://delimiter.com.au/2012/04/20/afact-demands-govt-action-over-iiNet-loss/>) and drown out our privacy and online liberty. They are also pressing ahead with details from their questionable study (<http://www.efa.org.au/2011/02/17/afact-study/>) We are lucky that common sense won the day, and it has set a wonderful precedent for future cases, however we must continue to show that copyright law IS in need of a redress, for reasons far distant from AFACT's assertions. Our engagement with copyright law is indefatigable, and we must hold up a continuous push, for our opponents are tireless, crafty and extremely well funded.

We cannot allow corporate profit to be the cable length by which our rights to privacy and civil liberty are hung, drawn and quartered.

David W. Campbell

President, Pirate Party Australia



## Pirate News

### iiNet, AFACT, and the ALRC Copyright Review



After three rounds in court, the Australian Federation Against Copyright Theft (AFACT) lost their appeal to the High Court in their case against ISP iiNet. AFACT – unofficially the Australian outpost of the MPAA\* – were left disappointed after the High Court unanimously upheld the earlier decisions that iiNet were not responsible for copyright infringement committed by their subscribers. AFACT are now claiming that the law is at fault and must be reformed to allow

copyright holders and collection agencies to be able to more easily pursue illicit file-sharers.

FOI watchdog, the Office of the Australian Information Commissioner, is facing budget cuts."

Source: Sydney Morning Herald [j.mp/JgXZWY](#)

### Tor Books to release only DRM-free e-books

"Tom Doherty Associates, which publishes Tor Books, the world's largest science fiction imprint, announced that it would be making all of its e-books available in a DRM-free format by early July 2012. The move comes just six weeks after the United States Department of Justice filed an anti-trust lawsuit over e-book pricing against Macmillan, Tom Doherty Associates' parent company, and five other publishers."

Source: ArsTechnica [j.mp/ITUuw](#)

### "Expert witness" cited in proposed UK mandatory smut filter is a trash tabloid Agony Aunt

"The first official expert witness in an inquiry into network-level filtering of porn was a Sun advice columnist called Dear Deidre. A group of MPs has been pushing to censor the UK web to prevent children from seeing porn, but reading the full report reveals the weakness of the evidence. It also features Dear Deidre defending the topless model on Page 3 of her own newspaper, saying, 'the Editor of The Sun thinks it's okay' and 'nine million people read it.'"

Source: Slashdot [j.mp/lftxLT](#)

### New software analyzes email of IT staff for changes in attitude, behavior

"The Wall Street Journal recently published an article on how IT departments are coping these days with the biggest threat to data security -- namely, employees in the IT department.

"That the "enemy within" is the biggest threat to an enterprise is nothing new, but buried in the article was something that struck me as, well, Orwellian. The WSJ reports that some organizations "are even using new technology to look at the language of their IT staff's emails to determine whether their behavior or mind-set has changed."

Source: IT World [j.mp/lxWwQ1](#)

### 92-Year Old Veteran Pirates Movies to Help Soldiers

"Piracy is rampant in the US military. Because the MPAA refuses to deliver entertainment to troops overseas, soldiers are forced to pirate. Some download movies via the Internet, others buy bootleg DVDs, and there's also talk about sanctioned "Morale" hard drives full of warez.

"Recognizing the problem a 92-year old WWII veteran is also helping out. Hyman Strachman, or "Big Hy," is sending thousands of illegally copied DVDs to soldiers in Iraq and Afghanistan.

"The New York Times has the full story, which is definitely worth reading. Worth noting is the MPAA's response to Big Hy's pirate operation.

"We are grateful that the entertainment we produce can bring some enjoyment to them while they are away from home," a spokesman said.

"Arrr.."

Source: TorrentFreak [j.mp/JKdmKu](#)

### ACLU obtains itemised price list for warrantless mobile phone surveillance in the US

"The American Civil Liberties Union revealed a trove of documents it had obtained through Freedom of Information Requests to more than 200 police departments around the country. They show a pattern of police tracking cell phone locations and gathering other data like call logs without warrants, using devices that impersonate cell towers to

Despite the success for iiNet, it is still not necessarily a win for consumers. While there will be short term effects felt as ISPs breathe a sigh of relief that they aren't liable, subscribers are essentially no safer. This will also provide AFACT with a footing to launch their campaign for Parliament to reform copyright laws. Already AFACT have publicly commented that the correct interpretation of the law by the High Court shows that the law is at fault, not them.

It is expected that there will be a considerable push toward stricter copyright enforcement when the terms of reference for the Australian Law Reform Commission (ALRC) copyright review are published. Pirate Party Australia will submit a lengthy examination of our current copyright laws, highlighting the need for removing all barriers that prevent the non-commercial use of copyrighted materials. An email will be sent out to members notifying them of when this will be, and asking for contributions. The draft terms of reference that the Attorney-General Nicola Roxon has provided the ALRC sets the completion date for the review toward the end of 2013. With federal elections anticipated for around that time, it will be all hands on deck!

\* - "The case was filed by the Australian Federation Against Copyright Theft (AFACT) on behalf of the Motion Picture Association of America (MPAA) and its international affiliate, the Motion Picture Association (MPA), but does not want that fact to be broadcasted... Ellis confirmed that MPAA was the mover behind AFACT's case (AFACT is essentially MPAA's Australian subcontractor)" — Mike Ellis is the Singapore-based President for Asia Pacific of the Motion Picture Association.

**Source:** Viewing cable 08CANBERRA1197, FILM/TV INDUSTRY FILES COPYRIGHT CASE AGAINST AUSSIE ISP - <http://wikileaks.org/cable/2008/11/08CANBERRA1197.html#>

**Read more:**

<http://delimiter.com.au/2012/04/23/iinets-hollywood-ending-what-does-its-court-victory-mean-for-copyright-law/>

## NSW Cops, Piracy LOL

Whilst the decriminalization of non-profit file sharing is a core tenet of the pirate party, Commercial Piracy is in no way condoned. So what about Public Service Piracy?

The NSW Police have stumbled into some unfamiliar waters with software developer [Micro Focus](#) – software that was legally licenced for 6500 copies, unfortunately was distributed to over 16000 computer systems. The software was even copied and given to other government departments (who have all settled out of court now).



At a stretch you could blame this on poor IT/S management, but what followed was criminally idiotic. Whilst stalling for time over the course of 18 months, the software that infringed on the licensing was removed only to be replaced by another piece of software from the same vendor... *which was also pirated*. Except in this case, the NSW police force did not have a license for even a single instance of the software, let alone the thousands of machines it was deployed to.

How do we trust the fifth largest police force in the world to police copyright infringement appropriately in Australia when they cannot even adhere to, or understand, software licensing for products that they themselves use?

**Read more:**

<http://www.abc.net.au/news/2012-04-24/nsw-police-in-legal-battle-with-software-giant/3970388>

<http://www.itnews.com.au/News/298443,micro-focus-lays-fresh-claims-in-nsw-govt-license-row.aspx>

<https://torrentfreak.com/australian-police-accused-of-mass-software-piracy-120424/>

## Piratenpartij Nederland Awaits Ruling



[Piratenpartij Nederland](#) (PPNL) – the Dutch Pirate Party – are awaiting a verdict in their case involving Dutch collection agency [BREIN](#). After the infamous torrent site The Pirate Bay was banned in the Netherlands, BREIN forced the closure of several proxies to the site that were run by teenagers by issuing threats of legal action. PPNL ran a proxy themselves, and

intercept cellular signals, and encouraging officers to refrain from speaking about cell-tracking technology to the public, all detailed in a New York Times story.

"But at least one document also details the day-to-day business of telecoms' handing over of data to law enforcement, including a breakdown of every major carrier's fees for every sort of data request from targeted wiretaps to so-called "tower dumps" that provide information on every user of certain cell tower."

Source: Forbes [j.mp/1AyssH](http://j.mp/1AyssH)



THOUGHTS WE SHARE -

"It is poor civic hygiene to install technologies that could someday facilitate a police state." -  
- Bruce Schneier

rather than conform to cease and desist orders, have appeared in court to defend their position. The verdict is expected in early May. While the court case will likely be costly for PPNL, the potential interest and publicity it will generate for the Pirate Party is immense.

**Read more:**

- <http://torrentfreak.com/anti-piracy-group-shuts-down-pirate-bay-proxies-120322/>
- <http://torrentfreak.com/pirate-party-refuses-to-shutdown-pirate-bay-proxy-faces-lawsuit-120403/>
- <http://torrentfreak.com/pirate-party-ordered-to-shut-down-pirate-bay-proxy-120414/>
- <http://torrentfreak.com/pirate-party-sues-hollywood-backed-group-over-pirate-bay-censorship-120416/>
- <http://torrentfreak.com/anti-piracy-group-asks-court-to-gag-the-pirate-party-120425/>

## Pirate Parties International General Assembly 2012



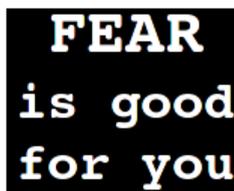
Last month Pirate Party Australia's remote delegates participated in the Pirate Parties International General Assembly 2012. There were considerable technical issues regarding remote participation and delays, which forced statute amendments to be pushed back until an extraordinary GA is arranged (which is likely to be in a few weeks).

Regardless of this, several new members were admitted. Greece and Croatia were accepted as ordinary members and Florida and Lower Saxony as observers. Further additions are expected for the extraordinary GA.

A new board was also elected, with the Travis McCrea (Pirate Party of Canda) being first non-European member since Andrew Norton headed the organisation, and PPAU's own Mozart Olbrycht-Palmer was elected to the PPI Court of Arbitration, similarly being the first non-European Pirate to be elected to that position. PPAU Secretary Brendan Molloy withdrew his candidature for the Board, but was elected as the first replacement candidate if a member of the Board resigns.

## The Little Cartel That Cried Wolf

"Subtle" is not a word you easily associate with the myriad of copyright industry astroturfers out there. Everything is typically in melodrama overdrive and indeed there are no better examples of the catastrophist shrieking than a couple of tweets blasted out this month by a group labelling itself [Center4CopyrightInfo](#) -



*12 % of sites that distribute unauthorized content are actively distributing malware to users who download such content*

*5:22 AM - 19 Apr 12*

*Seven percent of the websites distributing unauthorized content have associations with known cybercrime organizations*

*8:00 AM - 19 Apr*

In itself, the only thing out of the ordinary here is that they didn't complete the trifecta and blame filesharing for international terrorism. Other than that, it is all rather routine.

However, what is of interest here is the exquisite timing of this particular outburst, made just a day after a report issued by Dinei Florencio and Cormac Herley of Microsoft Research titled "*Sex, Lies and Cyber-crime Surveys*", which paints an altogether unflattering picture of the reliability of cybercrime statistics. Quote -

*"Our assessment of the quality of cyber-crime surveys is harsh," they conclude. "They are so compromised and biased that no faith whatever can be placed in their endings."*

*The repetition by the media, bloggers, and others of “unreliable data that is masquerading as reliable data” sustains the echo, and these operationally exaggerated claims of Brobdignagian cybercrime statistics take on the air of legitimacy and wind up being very hard to root out. Those who are invested in the original statistics, from the groups conducting the surveys to the analysts who build arguments on top of them, sometimes find themselves resistant to reversing their conclusions for fear of coming off foolish.*

The actual contents of the report are even less flattering -

*It is ironic then that our cyber-crime survey estimates rely almost exclusively on unverified user input. A practice that is regarded as unacceptable in writing code is ubiquitous in forming the estimates that drive policy. A single exaggerated answer adds spurious billions to an estimate, just as a buffer overflow can allow arbitrary code to execute. This isn't merely a possibility. The surveys that we have exhibit exactly this pattern of enormous, unverified outliers dominating the rest of the data.*

The bottom line is that these numbers thrown around regarding “cybercrime” are about as reliable as estimates about “losses” incurred by the entertainment industry due to “piracy” – which is not at all. That the numbers are not reliable is only amplified by the fact that the bias that is added on top is always in favour of the hysterical position. If our politicians are going to insist that they can be trusted to be our voice in the arena of copyright reform, then they need to broaden their horizons and consider literature such as the report that was released by Messrs. Florencio and Herley.

**Read more:**

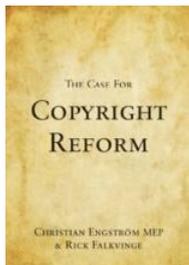
<http://arstechnica.com/tech-policy/news/2012/04/study-shows-cybercrime-estimates-to-be-overblown.ars>  
<http://www.nytimes.com/2012/04/15/opinion/sunday/the-cybercrime-wave-that-wasnt.html>  
<https://research.microsoft.com/pubs/149886/SexLiesandCybercrimeSurveys.pdf>  
<http://www.copyrightinformation.org/facts>



## Pirate Media

### Books: The Case for Copyright Reform

– **Christian Engström MEP and Rick Falkvinge, April 2012 · No rights reserved · Creative Commons CC0**



A criticism often levelled at Pirates the world over is that they are very noisy with *complaining*, but very short on providing *constructive alternatives*. This situation has been substantially redressed in April with the release of *The Case for Copyright Reform* by two of the Pirate Party's sharpest thinkers, Christian Engström and Rick Falvinge.

In the first month's of this year, communities worldwide have staged a series of massive, and largely successful, protest campaigns against a myriad of legislative proposals (SOPA, PIPA, ACTA etc., the list just keeps growing) that have sought to pander to the demands of a small (but incredibly vocal) niche of mainstream media interests with complete disregard for the concerns of consumers and other Internet dependent businesses that have evolved with the times and now thrive in the new digital economy. Many of the proposed legislative excesses would not only have undermined many of the new business models and basic, UN mandated human rights, but in fact also threatened to corrupt the very integrity of the existing Internet infrastructure. These concerns are captured succinctly in the opening paragraphs of the book -

*Today's copyright legislation is out of balance, and out of tune with the times. It has turned an entire generation of young people into criminals in the eyes of the law, in a futile attempt at stopping technological development. Yet file sharing has continued to grow exponentially. Neither propaganda, fear*

*tactics, nor ever harsher laws have been able to stop the development.*

*It is impossible to enforce the ban against non-commercial file sharing without infringing on fundamental human rights. As long as there are ways for citizens to communicate in private, they will be used to share copyrighted materials. The only way to even try to limit file sharing is to remove the right to private communication. In the last decade, this is the direction that copyright enforcement legislation has moved in, under pressure from big business lobbyists who see their monopolies under threat. We need to reverse this trend to safeguard fundamental rights.*

The book proceeds to move well beyond merely fault-finding in current proposals such as ACTA and SOPA – they proceed to map out alternatives for a free market and open Internet where the stone age approaches of censorship and punishment are no longer feasible without destroying the very functionality that makes the internet the grand achievement that it is.

The editors of the Pirate Gazette have not as yet had the chance to fully digest the contents of this new manifesto for proposed future directions in copyright, but we intend to publish a fuller overview in the next edition, and we would also like to encourage any of our readers to [submit their own thoughts](#), or even reviews.

The book is available for free download in most common formats from -

<http://www.copyrightreform.eu/>

Retro-readers who like the feel and smell of material books can also purchase a paper copy via Lulu Marketplace -

<http://www.lulu.com/shop/christian-engstr%C3%B6m-and-rick-falkvinge/the-case-for-copyright-reform/paperback/product-20066463.html>

**Christian Engström** is a Member of the European Parliament for the Swedish Pirate Party. Before becoming a politician he was an entrepreneur and computer programmer, who became involved in politics over the issue of software patents.

*Engström's blog: Christian Engström, Pirate MEP*

**Rick Falkvinge** is the founder of the first Pirate Party and a political evangelist, travelling around Europe and the world to talk and write about ideas of a sensible information policy. He has a background as a tech entrepreneur.

*Falkvinge's blog: Falkvinge on Infopolicy*

**Read more:**

<http://falkvinge.net/2012/04/24/book-release-the-case-for-copyright-reform/>

<http://torrentfreak.com/pirate-party-presents-acta-alternative-to-european-parliament-120427/>



## Featured Articles

Review: "No Safe Harbor" by the United States  
Pirate Party

- **Mozart Olbrycht-Palmer**

I finished the United States Pirate Party's *No Safe Harbor* yesterday, and was impressed by both its scope and its quality. I purchased the paperback from [Amazon](#), and had it shipped to Australia for just under AU\$20 all up. It is also available in several formats for [free download](#) (the traffic was so enormous that they had to shift sites), with a Creative Commons BY-NC-SA license.



*No Safe Harbor* is divided into three sections that deal with the Pirate Party Movement's three key policy areas – institutional transparency and accountability, the right to privacy, and intellectual property reform – in an attempt to explain the aims and policies of particularly the USPP. Generally, however, the essays it contains can be applied to almost every Pirate Party globally, and I highly recommend it for anyone wanting to get a grasp on the issues that Pirate Parties are trying to make a stand on.

"Assassinating Citizens," by Marcus Kessler, is the first essay in *No Safe Harbor*. The best way to describe it is 'shocking.' It describes the case of Anwar Al-Awlaki, "a Yemen-American born in New Mexico, who was the victim of targeted killing by the United States. The concept that the US Government can order the assassination of its own citizens without trial is not something many Americans would be comfortable with, I presume. Ryan Moffitt's "The Worst Part of Censorship is [This Phrase Has Been Seized by ICE]" deals with both censorship and intellectual property. Not many people know this, but websites that have the .com or .net top-level domain are operated by the US company Verisign, who are able to shut down websites following an order from a judge by request of the US Government. The implications for censorship are obviously rather scary.

"The Parable of the Pasture" (Howard Denson) and "Breaking the Two Party Two-Step" (Andrew "K`Tetch" Norton) both deal essentially with voting and government. Denson's essay tackles with the fact that no matter who you vote for, the politicians will usually be corrupted by the system and lifestyle, while Norton's places the burden of responsibility for who screws the country over firmly on the voter. He is critical of tactical voting, and the myth that "third parties are a waste of time."

Reagen Dandridge Desilets' "Indie Authors Shaking the Pillars of Publishing" is a must read for anyone wanting to self-publish via the net, or even in hard-copy. It's a great starting point for those who really want to harness the power of modern methods of publishing.

Although rather long, "Fluid Democracy" by William Sims Bainbridge is probably the best point for anyone trying to understand fluid/liquid democracy. It explains, as we move further toward 'info-politics,' the fundamental principles and concerns that parliamentary participation via the internet involves.

Another essay that also deals with intellectual property is Kembrew McLeod's "Privatizing Life." It explains to what length corporations will use patents to fence in their profits – even if that puts people in the 'developed' and 'developing' nations at risk. An eye-opener as to who really runs the world. This is complimented by Andrew Norton's "Killing the Corporate Person," which proposes methods of making those who run corporations truly responsible for the actions of the company, rather than using the corporation as a proxy for their wrongdoings.

Kicking of the part of the book that deals with privacy, Danah Boyd's "'Real Names' Policies are an Abuse of Power" really comes to grips with why anonymity/pseudonymity on the Internet is very important for the marginalised, abused and those whose exposure would severely hurt their reputation (such as school teachers who have professional lives, but don't want their personal lives

exposed).

“Criminal of Innocence,” by Travis McCrea is the recounting of a “guilty until proven innocent” story involving a teenager who was in the wrong place at the wrong time, and how an incident where he was wrongly accused of drugs possession led to him becoming jaded an anti-authoritarian.

“Privacy Now, Nothing Later” by Ryan Moffitt discusses how trusting we are that corporations won’t abuse our personal information, and so we enter into a form of voluntary surveillance.

I think one of the most fascinating essays in the collection is also one of the shortest: “Personal Privacy” by Travis McCrea. It’s related to Moffitt’s piece, in that it emphasizes that corporations have no obligations to protect your personal privacy. You voluntarily give them information, and in return receive a service back. If you’re not willing to give them information then you need to take proper precautions. Ideally information you don’t want sent out should be kept to yourself.

“Notes on the Fourth Amendment” by the Electronic Frontier Foundation is primarily useful to Americans, however, as the US has such global power, it’s useful for those outside the States to understand their domestic situation. “The Universal Declaration for Human Rights,” from the UN, is published in full, and is well worth reading to be informed of what rights the international community has agreed everyone should have.

Lorelly MacTavish explores the emerging American dystopia in “No Safe Quarter” – and it’s damn scary. The Government, if the piece is accurate, is treating their citizens like criminals. Constant surveillance mechanisms are being put in place and the population is treated as guilty until proven innocent. US citizens have the right to an armed militia, to protect them from a tyrant government, but they’re being slowly boiled alive, their rights being eroded bit by bit.

Anything Rick Falkvinge writes is usually worthwhile. His “History of Copyright” introduces the intellectual property section, and is a pretty thorough overview of the evolution of copyright, and Cory Doctorow’s “the DRM Sausage Factory,” explains how copyright is ruthlessly protected, and is big business for corporations specialising in crippling products with digital rights management (DRM) technologies.

“Pirates” by Lawrence Lessig is revealing – it’s an exploration of how the roots of the modern copyright industry began with piracy, and how piracy is conducive to a developing culture. Sure, everyone thinks it’s just getting everything for free, but when you consider that the film industry moved from the East Coast to Hollywood, CA, just to avoid infringing patents on motion pictures (it was too hard to enforce patents from such a distance), it makes you wonder what big cultural shift ‘internet piracy’ is the beginning of.

“Questions Concerning Copyright” is presented as an interview with Brad Hall (vice-chairman of the Florida Pirate Party), and addresses what the Pirate Party movement stands for, though each Party is slightly different.

“This Gene is Your Gene” by Kembrew McLeod spoke to me the most from the section on intellectual property. As a musician, the issue of copyright is a conflict within me, and I need constant confirmation that I’m not “betraying my kind,” by being opposed to such strict copyright measures as we have today. On the one hand, strict copyright is control, money, ownership. On the other hand, it’s suing your fans and not being allowed to share music. So I pitched my tent in the camp of the latter. McLeod explains Woodie Guthrie’s approach to copyright – “Publish it. Write it. Sing it. Swing to it. Yodel it. We wrote it, that’s all we wanted to do” – and how the subsequent publishing companies and collecting agencies go completely against that. It shows that the history of folk music is appropriation, adaptation, heck ‘piracy’ if you think sampling other people’s music without permission is piracy.

Overall, *No Safe Harbor* is an eye opener. It is well written, varied, and plentiful with examples that even my technologically impaired mother can relate to. The articles are interspersed with 'Mimi and Eunice' cartoons by the rather brilliant and talented [Nina Paley](#), which add a humorous touch and highlighting the contrasting serious yet playful attitude of the Pirate Party Movement.

There's a few typos and formatting issues, granted, but for their first book, the United States Pirate Party have delivered one of the most comprehensive collections on just why the existence of Pirate Parties is justified, necessary, and something that lawmakers and industries should be watchful of.

[Download No Safe Harbor]

*[Originally published on [olbrychtpalmer.net](http://olbrychtpalmer.net) 20120308]*



## Australia's Internet Access

- *Joakal*

***A campaign to protect the people's Internet Access from government and companies.***

Anti-Internet laws are coming soon! There is a lot of secrecy of anti-Internet discussions by the government, some ISPs (internet service providers) and, local and overseas companies. Some public groups have tried to find out about the discussions through legal means but got papers that were more black than white due to the censored information. The world had seen this form of anti-Internet aggression happen before with international treaties that had pushed anti-Internet laws that the Australian government has no objection to. There is also three strikes where our neighbour, New Zealand, got three strikes law that can result in Internet Access being stopped as a result of several complaints by companies. It was revealed that USA may have been involved with the threat of an unofficial embargo on NZ for not adopting it.

These outrageous anti-Internet attempts must be opposed and reversed. The government can no longer be trusted to create laws to protect the Internet without adding anti-Internet suggestions to protect companies and campaign donors. This Australian Internet Access campaign is to introduce stronger Internet Access laws that the public, ISPs, lawyers and law reform groups can agree that it's good for everyone.

Have a look at [how to take action!](#)

## Explained

Lately, there had been speculation that there will be attempts to spy on, restrict, degrade, 're-educate' or terminate Internet Access at the expense of subscribers in Australia. We would surely love to explain exactly what could happen but [the government is scared of having the Australian public find out](#) so there's virtually no information for the people to discuss. Apparently they forgot that Australia has a democracy where informed people keep the government in check. This campaign was made to inform people of the anti-Internet aggression and reform laws for stronger Internet Access with public input.

Fortunately, we can extrapolate from events in local and other countries what can actually happen. Unfortunately, it's very bad.

## ISPs

ISPs have to or may implement because:

- By law or court order.
- By litigation threats/precedents.
- They benefit in some way. eg a content provider can degrade competing video websites to deliver their own videos.
- Government/organisation providing funding as a short-term incentive to companies.

Now what could happen with ISPs?

- Mandatory implementation of Internet Censorship/Filters or voluntarily implementation mandatory Internet Censorship/Filters. Some Australian ISPs already do this ([Telstra and Optus, IIA](#)).
- Three strikes or friendlier 'graduation response' that involves; Degrading, account suspension, termination or banned from Internet Access
- Collection of browsing habits, available to government and rightholders (eg Hollywood) on demand.
- Logging all Internet activity (eg emails) and/or sending them to the government or available on demand.
- Notification with education and/or infringement notices on demand.
- Eligibility to resell NBN may require all or some of the above.

Regarding education notices. Someone has to pay for them. The following are options:

- subscriber gets a fee on bill
- reflected in higher plan costs for everyone
- taxpayer-funded.

The notices are biased and provided by companies that see higher profit with lack of Internet; Some examples:

1. Attacks new legitimate methods of sharing content with aggressive rhetoric. For example "[technology] comes loaded with bad things", as mostly illegal content (eg piracy, child porn, abortion, immoral), or similar.
2. Promotes themselves or their interests while ignoring artists; "You shouldn't go to random places. Go to Sony store instead".
3. Aggressive emotional rhetoric of describing the act of making a copy of content deceptively as theft despite nothing taken.
4. They quote their own made-up or deceptive statistics.

It looks like [major ISPs, including iiNet](#) have quietly adopted voluntary infringement notices.

## Search engines

Search engine legislation, litigation, back-room or proactive attempts to create a framework of censorship and adjustable search result rankings. This allows:

- Censor search results of: porn, abortion, terrorist/fighter, gambling, activists, libel, criticism and Queensland dentists.
- Promote wealthy big companies over small websites as well heavier weight of keywords – e.g. mp3 history promotes Sony store, not wikipedia article on mp3 history.

## Domain names

- Speedy seizure of domain names via notices or ex parte powers by judge.

## Questionable due process may involve some or most of the following

- No court process involved to submitting an allegation or complaint about someone's Internet use.

- Internet subscribers can appeal to a potentially biased or questionable 'independent' arbiter for appeal.
- A 'fast track, low cost' Copyright tribunal where the penalty can be a fine of \$15,000 on Internet Subscriber.
- Very limited time to appeal.
- Subscribers are assumed guilty until they can prove innocence.
- Cost of appeal is by subscriber but refunded if successful appeal.
- No or little accountability in sending incorrect infringement messages to ISP, let alone for repeated mistakes.
- Paradox of appeal cost being too cheap that it's a burden on appeal system, costing taxpayers. Or too high that it's prohibitive for subscribers to appeal.

## Other involvement

- USA have been known to be involved in private anti-Internet talks with threats to [Australia](#) and several western countries ([NZ](#), [Spain](#), [Canada](#)) despite a feel-good front of [advocating Internet Freedom](#) to third world countries.
- USA companies are pushing the scheme through the so-called Australian collection societies that represent American companies. Some examples:
  - American and received taxpayer funding from Australian government.
  - Visit schools with their restrictive belief of copyright. They even encourage destruction of property if it's remotely pirated.
  - Use emotional appeal with contracted artists that the industry loses money despite artists making more money than ever.
  - Lobby heavily for less consumer rights – e.g. want to move your movie on DVD to Blu-ray discs? All the tools are illegal despite format shifting being legal.
  - Make up statistics that the Australian government unfortunately quotes as reason for less consumer property ownership.

This is what happened at other countries, there may be more or less from the above list.

*[for further reading and resources, please visit [auinternetaccess.wordpress.com](http://auinternetaccess.wordpress.com)]*



## Pirate's Codex



pirates **without** borders

### **I Pirates are free.**

Pirates are freedom-loving, independent, autonomous, and disapprove of blind obedience. They stand for informational self-determination and freedom of opinion. Pirates bear the responsibility entailed by freedom.

### **II Pirates respect privacy.**

Pirates protect privacy. They fight against the increasing surveillance mania of state and economy because it prohibits the free development of the individual. A free and democratic society is impossible without private and unobserved free space.

### **III Pirates are critical.**

Pirates are creative, curious, and do not acquiesce in the *status quo*. They challenge systems, search for weak spots and find ways to correct them. Pirates learn from their mistakes.

### **IV Pirates are fair-minded.**

They keep their word. Solidarity is important when it comes to collective aims. Pirates

counteract the blind-eye-mentality of society and take action when moral courage is necessary.

### **V Pirates respect life.**

Pirates are peaceful. Therefore they reject the death penalty and the destruction of our environment. Pirates stand for the sustainability of nature and its resources. We do not accept patents on life.

### **VI Pirates are eager for knowledge.**

The access to information, education, knowledge and scientific findings has to be unlimited. Pirates support free culture and free software.

### **VII Pirates are social.**

Pirates respect human dignity. They commit themselves to a society united in solidarity where the strong defend the weak. Pirates stand for a political culture of objectivity and fairness.

### **VIII Pirates are international.**

Pirates are part of a global movement. They take advantage of the opportunities offered by the internet and are therefore enabled to think and act without borders.

*[Originally published at [pirates-without-borders.org](http://pirates-without-borders.org)]*



## Pirates in the Studio

*– Pirate Party Podcast with Sam Kearns*

If you've been living in a dungeon in Skyrim then you may not have heard that the first episode of the Pirate Party Australia Webcast was published to the PPAU website a couple of weeks ago. It's right there on the right hand bar, you can't miss it. In the show notes you will find links related to the show content and also link to the full transcript.

The primary aim of the webcast is to help our Pirate community feel more connected with each other and recent activities in the party. If you are organising anything Pirate related, or would even just like to share your thoughts on Pirate issues, then I encourage you to contact me so we can get the word out through the show.

I have a lot of ideas for show segments and will be experimenting with the format over the next few months based on listener feedback. Future segments include a news round-up, member profiles and even the rum soaked ramblings of some pirates in a pub.

The webcast will be published fortnightly on Mondays which means that by the time you will be reading this the second episode will have just been posted on April 30th. Now go and get it!

*[[contact Sam](#)]*



## Events

- **Queensland Pirates** – gathering on Thursday the 17<sup>th</sup> at 6pm, venue TBA, but will be somewhere at or near Brisbane's Southbank. Anyone who'd like to RSVP or who wants more details can contact Liam Pomfret at [liampomfret@pirateparty.org.au](mailto:liampomfret@pirateparty.org.au), or on Twitter at @LiamPomfret

- Deadline for submissions for next issue – 23rd May

If you enjoyed this article, please consider sharing it!



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