

**THE
2019-2020
INTELLECTUAL
PROPERTY
ANNUAL**

A Publication of
the Intellectual Property Standing Group
of the Conference on College Composition and Communication

May 2021

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Clancy Ratliff

INTRODUCTION TO THE 2019–2020 ANNUAL

This is our first-ever, and hopefully last-ever, double issue of the *CCCC-IP Annual*. Our usual publication timetable results in a new issue every year in late spring or early summer. In spring of 2020, however, the COVID-19 global pandemic with its school closures and quarantining had forced everyone into different responsibilities, work habits, and new routines, especially mothers like me. When I told the Intellectual Property Standing Group that I'd have to roll the 2019 articles into the 2020 issue, Kim Gainer graciously replied, "This year has thrown off so many plans that no one will be blinking an eye at the Annual taking a 'gap year.'"

This issue will also be my last as editor because I will soon be starting a term as co-editor of *Peitho*, the Coalition of Feminist Scholars in the History of Rhetoric and Composition's journal, and I'm thrilled to announce here that Karen Lunsford will be taking over the Annual. She has done a lot for this publication over the years, not only as a contributor but also as archivist, overseeing the uploading and cataloging of the archives of the *CCCC-IP Annual* in the University of California System's eScholarship open-access repository. I know she will be an outstanding editor.

Compared to 2020, 2019 was a typical year, at least a typical year in the Trump Administration. We saw climate disasters, police killings of unarmed people of color, environmental racism, mass shootings, astronomical student debt, corruption, and children and infants taken from their families at the southern border of the United States. In the thrall of shock doctrine, it can be hard to focus on copyright and intellectual property issues, but we can see IP policy and practice become more extreme as conditions become more extreme. Two examples show this: first, the increased use of surveillance software in educational technology (test proctoring tools, plagiarism detection software, etc.) as schools transitioned to remote learning. The CCCC Intellectual Property Standing Group is very concerned about the increase in use of these software tools, and we will soon be issuing a statement expressing these concerns in detail and affirming students' rights to privacy, academic freedom, and the work they create.

**Me when proctorio detects
a sneeze as cheating and
I fail the six weeks test**



Me: taking exam
Proctorio camera: you
look like this



The second example showing the escalation of intellectual property policies and norms in conjunction with extreme conditions is the case of COVID-19 vaccines. By now, Pfizer, Moderna, and Johnson & Johnson are household words associated with the vaccines that are saving lives. They are also holders of the patents for those vaccines. At this writing, according to the World Health Organization, 3,494,758 people have died of COVID-19 worldwide. Over three million people, dead.

Over three million people, dead.

Over three million people, dead, but it took months of debate for the United States government to declare its official position in favor of temporarily waiving those corporations' patents so that countries may manufacture their own vaccines. The patents have not yet been waived, and it remains to be seen if they will at all.

The last couple of years have also seen the continued development of cryptocurrency as well as non-fungible tokens, or NFTs, a means of ownership that exists only conceptually. In a March 2021 article for *Rolling Stone* announcing Kings of Leon's decision to release their new album as an NFT, Samantha Hissong offers one explanation:

A quick rundown: NFTs are a type of cryptocurrency, but instead of holding money, they can hold assets like art, tickets, and music. NFTs operate on a blockchain, which is a publicly accessible and transparent network — meaning anyone can see the details of any NFT transaction. Computers involved in the transactions become part of the network, which keeps updating and can't be hacked due its nature as many-headed hydra. In the case of NFTs, their value becomes subjective and therefore fluctuates, kind of like stocks.

Tumblr user queersamus offers another explanation (I'm keeping the all-lowercase and punctuation of the original post):

imagine if you went up to the mona lisa and you were like "i'd like to own this" and someone nearby went "give me 65 million dollars and i'll burn down an unspecified amount of the amazon rainforest in order to give you this receipt of purchase" and went to an unmarked supply closet in the back of the museum and posted a handmade label inside it behind the brooms that said "mona lisa currently owned by jacobgalapagos" so if anyone wants to know who owns it they'd have to find this specific closet in this specific hallway and look behind the correct brooms. and you went "can i take the mona lisa home now?" and they went "oh god no are you stupid? you only bought the receipt that says you own it, you didn't actually buy the mona lisa itself, you can't take the real mona lisa you idiot. you CAN take this though." and gave you the replica print in a cardboard tube that's sold in the gift shop. also the person selling you the receipt of purchase has at no point in time ever owned the mona lisa.

unfortunately, if this doesn't really make sense or seem like any logical person would be happy about this exchange, then you've understood it perfectly

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i dont know what an NFT is and im too afraid to ask



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imagine if you went up to the mona lisa and you were like "i'd like to own this" and someone nearby went "give me 65 million dollars and i'll burn down an unspecified amount of the amazon rainforest in order to give you this receipt of purchase" so you paid them and they went "here's your receipt, thank you for your purchase" and went to an unmarked supply closet in the back of the museum and posted a handmade label inside it behind the brooms that said "mona lisa currently owned by jacobgalapagos" so if anyone wants to know who owns it they'd have to find this specific closet in this specific hallway and look behind the correct brooms. and you went "can i take the mona lisa home now?" and they went "oh god no are you stupid? you only bought the receipt that says you own it, you didn't actually buy the mona lisa itself, you can't take the real mona lisa you idiot. you CAN take this though." and gave you the replica print in a cardboard tube that's sold in the gift shop. also the person selling you the receipt of purchase has at no point in time ever owned the mona lisa.

unfortunately, if this doesn't really make sense or seem like any logical person would be happy about this exchange, then you've understood it perfectly

Source: jacobgalapagos

[#reblogs](#) [#signal boost](#) [#ah good](#)

[#a nice clean post with a good analogy](#) [#thanks much](#)

12,823 notes



I'm not sure what else to say about NFTs at this time; I don't have a fix yet on what their implications for rhetoric and composition studies may be, but I wanted to note their emergence in the last two years onto the intellectual property mediascape.

We have several very interesting essays in the 2019-2020 issue, but as a segue to introducing the articles, here is one last 2019-2020 meme, this time referring to white nationalist rallies:



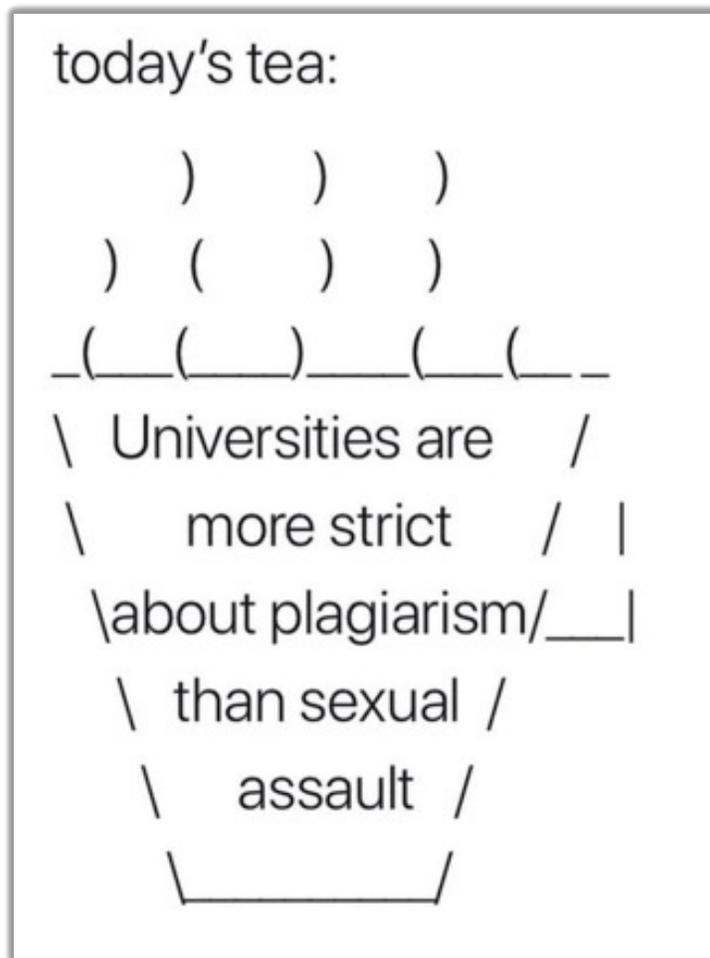
On weaponizing algorithms, Devon Fitzgerald Ralston's essay in this issue reviews t-shirt bots that commit automated copyright violation: these bots find tweets that quote-tweet or reply to images with "I want this on a t-shirt," and the bots import the images to commerce websites to be printed on t-shirts to sell.

The artists whose work had been appropriated by the t-shirt bots quickly began manipulating the algorithm to call attention to the copyright infringement, which Ralston describes with helpful clarity. She raises the question of the CASE Act (Copyright Alternative in Small-claims Enforcement), which was designed to help independent artists pursue infringement claims in situations like this, but with the

caveat that the CASE Act can enable copyright trolls (entities that file many frivolous infringement claims as a means to use litigation to make money) and not address the matter of t-shirt bots or other acts of infringement that take place at high speed online.

I would recommend reading Ralston's essay as a lead-in to Kim Gainer's, as Gainer offers an excellent, well-researched briefing on the CASE Act. Gainer shows that what we do as rhetoricians and teachers of writing, regarding copyright, is a balancing act: we want copyright to be strong enough to protect small independent rightsholders like students, struggling artists and musicians, and minoritized cultures. But we want it to be weak enough to let those same people use copyrighted work, owned in some cases by large corporations that aggressively protect their intellectual property, to create new work and to have access to read, view, and listen to content.

As always, plagiarism has remained a part of the conversation about authorship and IP.



Steven Engel and April Johnson do not compare universities' responses to these two acts, but they do provide a valuable list of types of plagiarism in scholarly publishing that are relatively new: translation-plagiarism authorship, gift or reciprocal authorship, honorary authorship, paid co-authorship, bully authorship, fraudulent authorship, paper mill/essay mill authorship, and pharmaceutical ghost authorship. I'm proud to help bring this excellent scholarship about plagiarism to the rhetoric and composition community.

Wendy Warren Austin's essay acquaints us with China's shanzhai culture, reflecting on the creativity of knock-offs and the observation that imitation precedes innovation. China has long had not-quite-counterfeit versions of products that many of us will recognize:



Next, Mike Edwards relays the most recent news about Elsevier: while several universities have discontinued their subscription contracts with Elsevier, the corporation has been making counter-moves to change their business model. Instead

of working only with publishing, they have been infiltrating other phases of research, by marketing software that stores and visualizes data, for example. Edwards reiterates the call that he and others in the Intellectual Property Standing Group have made over the years, for the journals in our field that work with Elsevier to stop doing so.

Closing out this double issue is a review. Alex Nielsen reviews the latest strategic planning report from Creative Commons, which is celebrating its twentieth anniversary in 2021. He provides a thorough summary of the plan as well as some critique for its lack of specificity. Nielsen is diplomatic, even charitable, in this critique; while certainly the board of Creative Commons has specific projects planned, their omission in the report of the strategic plan is a little disappointing, making the report sound almost like an auto-generated sample strategic plan report drawing on common jargon: collaboration, advocacy, accountability, capacity building.

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