

摘要

「知識經濟」時代裡，知識透過流通而生成更多文化資產帶給人類價值。知識，向來就是共有共享的。但起自智慧財產權出現後，開始出現知識私有、知識買賣的情形出現。難道，是著作權(copyright)戰勝了著作義(Copyleft)？近年來全球掀起一片「告！告！告！」的熱潮，無論是美國的 Napster 訴訟案，還是台灣的「成大MP3」事件；還是微軟在美國的反托拉斯訴訟，或是在台灣面臨合理議價調查，都顯示「著作權」引發的相關問題蔓延全世界。

本研究將知識/文化商品視為資訊資本主義社會的生產工具，並且探討當「智慧」變成「財產」時，資本主義、國家機器爭權奪利的過程中出現的問題與爭議。研究者先就著作權的政治經濟脈絡耙梳出「著作權」不是「道德問題」，而是「經濟問題」，更是國際關係中藉以制衡弱勢小國的利器。

實證部分以 1960-2002 年間台灣著作權發展過程中三個衝突事件為例，包括 1960 年代的《大英百科全書》翻印風波、1980 年代的「蘋果電腦侵權事件」，及 1990 年代跨國公司進入後的台灣流行音樂產業作為個案，具體驗證台灣著作權發展過程中，的確受到資本主義與國家機器及國際依賴關係的影響。最終以近年來網際網路發展蓬勃，連帶引出的著作權爭議作結，本研究除了對台灣著作權的政治經濟發展提出看法外，亦在結論中對知識/文化產業，及著作權規範的未來發展提出意見。

關鍵詞： 著作權；智慧財產權；301 條款；成大MP3；流行音樂產業；盜版

Abstract

Under knowledge-based economy, knowledge brings more value to human beings by spreading and then generating cultural properties. Although sharing is the essential characteristic of knowledge, there have been some arguments that knowledge is private and knowledge can be traded after the idea of intellectual property rights emerged. Does it mean Copyrights overtops “Copyleft”? In recent years, there have been more and more lawsuits related to copyrights such as Napster vs. RIAA in 1999 in the US, and IFPI vs. NCKU MP3 lawsuit in 2001 in Taiwan. Moreover, Microsoft, the worldwide leading software company, also faced US federal government’s antitrust violations prosecution, and rational price investigation by Taiwan government. All these cases indicate that copyright has caused problems all over the world.

This thesis regards both the knowledge and cultural products as the producing tools of information capitalism society. It also discussed the conflicts between Capitalism and state apparatuses when “knowledge” became “property.” By examining the context of political economy in intellectual property, the author achieved two conclusions. First of all, the copyright is not a moral issue but an economic one. Secondly, in international society, copyrights have been the weapon for powerful nations to control the powerless ones.

We cited three copyright conflicts in Taiwan from 1960-2002, including the reprint issue of Encyclopaedia Britannica in the 1960s, copyright violation case of Apple Computer in the 1980s, and the international pop music piracy disputes in the 1990s, the author made an empirical research to conclude that the development of copyright in Taiwan indeed was affected by the capitalism, the state apparatuses, and the international interdependency. This thesis ended with the prospective copyright issues originated from the burgeoning Internet industry. Not only did the research indicate some suggestions regard to the development of political economy in copyright, also made comments about the future development of knowledge/culture industry’s copyright regulation.

Keywords: Copyright; intellectual property rights; Section 301; MP3 event in NCKU; Pop music industry; piracy