

Intellectual Property is Theft

Towards an Anarchist Culture of Knowledge Sharing & Translation

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Introduction: ‘Someone said if you’re not careful you’ll have nothing left and nothing to care for’

Information is power. But like all power, there are those who want to keep it for themselves. The world’s entire scientific and cultural heritage, published over centuries in books and journals, is increasingly being digitized and locked up by a handful of private corporations. (Aaron Swartz 2008)

This article offers a speculative reflection on the realities of, and capacity for, an anarchist culture of knowledge exchange and translation premised on the need for universal accessibility and freedom to support, critique, reproduce, and freely distribute. Through a critical assessment of current ‘intellectual property’ legislation across a range of nation states and research into the publishing practices of several platforms, an argument is formulated for how works produced in one context may be recreated, reimagined, or reproduced in alternative forms and languages to enable a radical democratisation of new knowledge. For simplicity, ‘intellectual property’ legislation relates to ‘things you write, make or produce’ (gov.uk); ‘allow[ing] you to make money from the intellectual property you own’.

Historicising ‘Copyright’

“Science works best in a state of informational anarchy. Paywall enclosed journals are now widely recognized as a stain on our field and a detriment to scientific progress.” (Gillis, 2016)

Generally accrued upon creation of an ‘original literary, dramatic, musical and artistic work, including illustration and photography’, intellectual property copyright is premised on establishing private ownership over knowledge and extended internationally by the Berne Convention for the Protection of Literary and Artistic Works (1886). Though writing from the egoist perspective and, therefore, arguing against the limitations of copyright with a view towards the individual rather than the whole, James L. Walker stated that the practice means that ‘if I say I am in favor of copying what we want to copy, the advocates of copyright will immediately tell me that this is precisely what they do not allow, except to the author and his assigns’ (1891). Such legislation ‘prevents people from: copying your work; distributing copies of it, whether free of charge or for sale; renting or lending copies of your work; performing, showing or playing your work in public; making an adaptation of your work; putting it on the internet’ (gov.uk). It’s this phrasing that this article works to challenge by dismantling notions of private ownership and, therein, advocating an anarchist approach to knowledge exchange across languages, time, and locations.

Consider the US: originally proposed as fourteen years within *The Copyright Act of 1790* before works would be released into the public domain (‘renewable for fourteen more if the author was alive upon expiration’), both elements doubled in 1909 (to twenty-eight years), then shifted to the lifespan of the author plus fifty years in 1976, and seventy come 1998 (the same period as Albania, Hungary, Madagascar, Argentina, and North Macedonia). Limited exceptions were permitted for scholarship purposes, whilst a 1998 Fifth Circuit Court of Appeals ruling (Texas) resulted in state immunity from copyright law demonstrating yet another situation in which the law applies only to the people. The Association of Research Libraries advise that the rationale was to limit ‘the monopoly [...] in order to stimulate creativity and the advancement of “science and the useful arts” through wide public access to works in the “public domain”’. Note well the absolute cringe

that is ‘World Intellectual Property Day’ (26th April) which, according to Mike Masnick (2017), aims ‘to promote ever greater protectionism and mercantilism in favor of copyright holders and patent holders, while ignoring any impact on the public of those things’, an act he describes as a ‘disgusting distortion of the claimed intent of intellectual property’.

Extensions continue with US corporations currently permitted ninety-five years post-publication, though in ‘most countries copyright lasts a minimum of life plus 50 years for most types of written, dramatic and artistic works’ (gov.uk). There are numerous examples of distinct lengths of time in certain countries (life plus thirty years in Yemen; life plus ninety-five in Jamaica), however this is increasingly changing to seventy years. Breaching these laws carries an array of punishments encompassing fines worth tens of thousands of pounds to jail terms in the UK for those deemed to have acted with ‘intent to cause loss to another, and without the consent of the proprietor’. Similar fines are threatened in Japan, extending to hundreds of thousands of euros in France for those ‘infringing the rights of the owner of a patent knowingly’ – feigning ignorance becomes a saving grace. Legislation and private protections are tightly maintained and rigorously enforced, with corporations afforded sole say in how and when works are made available ... Protest, however, is rife.

Consider that ‘the basis of all political action is coercion even when the State does good things, it finally rests upon a gun or a prison for its power to carry them through’ (Voltaire de Cleyre 1912); or a similar sentiment shared two decades earlier by Walker (1891) that ‘there are two courses open to the author when I copy [...] He may undertake to stop me. If so, he will please show that he does not interfere with my equal liberty. But if he has force to stop me, I fear that he will not feel bound to give me his reason’.

Doing so renders knowledge a mere product rather than what it truly is – enriched understandings, proposals for alternative actions, comparative case studies, ideas, etc., yet, as William Gillis (2016) emphasises ‘[c]ontrol can only be achieved through disengagement and rigidity. [A]ny successful power structure must involve mechanisms to punish and suppress habits of inquiry’. But, where works are produced in new forms or in alternative languages for new audiences, this contributes to the diversification and decolonisation of the academic and social science ‘canon’, opening up knowledge beyond the English speaking world, thereby subverting capitalist gate-keeping stockpiling of literary and philosophical works.

‘It’s a Sin’: All Intellectual Property is Theft

Though his form of ‘anarchism’ (read propertarianism, greed-centred individualism, and conservatism) will be addressed below, Murray Rothbard (2009) was right to condemn the arbitrary lengths of time for which such protections are imposed. Under the guise of ‘promot[ing] the Progress of Science and useful Arts’, the protection of ‘property’ under these laws, in fact, prevents and limits opportunities for others to access and build on developments and creation until either a set period of time passes, the owners establish a new boundary to the knowledge, or the claim to property is breached. Despite this, his rationale of challenging capitalist convention in order to advance privately-negotiated deals for the creator with each would-be partner under a ‘free-market’ – rather than to allow cooperation without barriers – defeats the purpose of an authentic knowledge sharing society. We can surely agree that when it comes to taking action,

anarcho-capitalism has no place in an approach that is founded in care, mutual aid, solidarity, consensus, and direct action.

Pursuing alternative means for access to learning spaces becomes fundamental when we understand copyright as a form of capitalist gatekeeping, one that – along with frequently increased tuition fees, skyrocketing rental prices, and, demands for certified linguistic skills – contributes to entrenching elitist class divides based almost purely on one’s capacity to pay. For anarchists and all those engaged in intersectional and class struggle, it’s no longer the old *ad hominem* of ‘educate to liberate’, but, in many cases, we’re waging a war to gain access to the very knowledge, methods, and tactics others spent decades researching. We must ‘liberate to educate’. So how, exactly, might we go about it?

With ‘intellectual property’, scarcity can only be created artificially through control of the works. Profiteering from authors’ intellectual work, as publishers generally do at a rate which poses greater benefit to the corporation than the creator, is Darwinian in its hoarding of resources. Denial of them to others creates a distinctly classist divide based on wealth. Yet, in contrast to a physical asset, sharing the work freely in a digital format or allowing supporters to produce copies *en masse* fosters an abundance of the work with no competition required to access it. Let us, therefore, turn to the *Guerilla Open Access Manifesto* from Aaron Swartz (2008), who fought a public battle to liberate education and theory from the confines of the academy:

“The Open Access Movement has fought valiantly to ensure that scientists do not sign their copyrights away but instead ensure their work is published on the Internet, under terms that allow anyone to access it [...] Forcing academics to pay money to read the work of their colleagues? [...] Providing scientific articles to those at elite universities in the First World, but not to children in the Global South? It’s outrageous and unacceptable.

“We can fight back. Those with access to these resources – students, librarians, scientists – you have been given a privilege. You get to feed at this banquet of knowledge while the rest of the world is locked out. But you need not – indeed, morally, you cannot – keep this privilege for yourselves. You have a duty to share it with the world. And you have: trading passwords with colleagues, filling download requests for friends. [S]haring isn’t immoral – it’s a moral imperative.”

At the time of writing, Swartz’s Manifesto is offered in twenty-six languages demonstrating the reach work can have when texts are not confined into anglicised and privately controlled forms. Swartz was arrested in 2011 for ‘downloading millions of academic articles from [...] the Massachusetts Institute of Technology’ and making them publicly available in a similar manner to peer-to-peer file sharing sites, such as LimeWire. Such practices have, to an extent, emerged as a consequence of academic norms with ex-director of Harvard Library Robert Darnton (2012) suggesting that ‘[w]e [in academia] face the same paradox. We faculty do the research, write the papers, referee papers by other researchers, serve on editorial boards, all of it for free [...] then we buy back the results of our labour at outrageous prices’.

Despite participating in these relationships for decades, Darnton protested that ‘[o]ne year’s subscription to *The Journal of Comparative Neurology* costs the same as 300 monographs’, before protesting that universities ‘simply cannot go on paying the increase in subscription prices’. Given that subscriptions to such journals before the hikes would still have funded hundreds of monographs, many are now arguing that ‘[i]n the long run, the answer will be open-access journal publishing, but we need concerted effort to reach that goal’. This is an important step

in breaking this capitalist empire but should not excuse those who supported these practices historically.

As quoted in the *Guardian*, '[m]any university libraries pay more than half of their journal budgets to the publishers Elsevier, Springer and Wiley'. The figures make for sickening reading, with Taylor summarising that '[w]hen you pay \$3000 to have your submission to an Elsevier journal appear as open access, \$1072.20 of that goes straight into the pockets of Elsevier shareholders' (Darnton, 2012). In a further twist, as has been observed across the journal publishing industry, 'academics who write the articles are not paid for their work, nor are the academics who review it' (Kendzior, 2012) with paywalls then serving as a form of gatekeeping – actions Swartz observed as 'private theft of public culture'.

"Discussions of open access publishing have centred on whether research should be made free to the public. But this question sets up a false dichotomy between 'the public' and 'the scholar'. Many people fall into a grey zone, the boundaries of which are determined by institutional affiliation and personal wealth." (Sarah Kendzior 2012)

Further demonstrating the absurdity of academia under capitalism, Kendzior stresses that this approach 'is a loss for the academics themselves, whose ability to stay employed rests on their willingness to limit the circulation of knowledge. In academia, the ability to prohibit scholarship is considered more meaningful than the ability to produce it, making a mockery of the very purpose of creating new knowledge' (2012).

"We have the means and methods to make knowledge accessible to everyone, with no economic barrier to access and at a much lower cost to society. But closed access's monopoly over academic publishing, its spectacular profits and its central role in the allocation of academic prestige trump the public interest. Commercial publishers effectively impede open access, criminalize us, prosecute our heroes and heroines, and destroy our libraries, again and again. Before Science Hub and Library Genesis there was Library.nu or Gigapedia; before Gigapedia there was textz.com; before textz.com there was little; and before there was little there was nothing. That's what they want: to reduce most of us back to nothing. And they have the full support of the courts and law to do exactly that." (Barok et al. 2015)

Inevitably, any concessions made from their 40% profit margins will be conveyed as a wonderful effort on the part of these publishers to make research 'accessible'; in precisely the same way that banks are currently portraying themselves as providing the solution to homeless folk having been unable to open bank accounts without a fixed address without acknowledging that they imposed this condition in the first place.

'Hai, Si, Ja'

Many works are uploaded to websites like The Anarchist Library, which, though more specialised than being a Sci-Hub 'PirateBay of Academia', thus makes material freely available to all with access to the website (important caveats remaining about digital literacy, internet affordability, connectivity, and online censorship). The team operating The Anarchist Library 'actively encourage the DIY printing and the distribution of the texts', allowing folk to help others with access to these digital stored texts.

That The Anarchist Library is able to host multilingual collections (currently articles are offered in about twenty-six languages, with dedicated libraries for many), circumvents an entire publishing industry that would seek to privatise, monopolise, and gain financially from the (re)distribution of these texts; '[m]onopoly consists in the attempt to make property of liberties, discoveries, sciences, and arts by a pretended or forced alienation' (Walker, 1891).

A remaining barrier, however, is the reliance on individual or collective capacity to undertake this work voluntarily during one's own time, as it's incredibly rare for capitalist funders to back projects that don't align with state ambitions (e.g. adaptations to state policy). Systemic change doesn't match corporate ambition. Private ownership allows publishers to decide as and when to release material into new languages when – or if – new markets emerge, meaning that, as Gilles (2011) states, 'the focus of investigation is largely determined from the top down in order to maximize short term benefits to those in power'. Consequently, speakers of languages without 'enough market viability' – and going from The Anarchist Library's collections we might include Macedonian, Finnish, Tagalog, and Vietnamese among them – are either pressed to learn English or another language such as French, or face missing out on access entirely.

The further step, therefore, even when English language texts become available (be that through expiry of copyright or the liberation of texts through upload to online spaces), becomes addressing the linguistic privileges that remain in place internationally due to colonial legacies. Yet, even for those within and outside of the academy who may support open access, assuming they consider the increased accessibility of works in further languages worthwhile (because surely they believe their own work to be meaningful rather than merely another bullshit job (Graeber 2013)), concerns frequently centre on the means through which one becomes able to create a translation. For example, a would-be translator may have grown up in a bi- or polylingual environment, developing the talent to move seamlessly between languages thanks to a combination of home, community, and work life rather than via an academically trained route. Others may pick up parts or the near totality of a language through exposure to different cultures than their own or via a language exchange with a partner or partners – wishing to trade and improve each other's communication skills via a mutually supportive arrangement (mutual aid in-action).

We see immediately that professional training is far from the sole path to second, third, or fourth language comprehension, and this is before contemplating the hundreds of pounds frequently paid for rudimentary language courses, or the thousands that universities charge annually for degree programmes. There is a discussion to be had about programmes like DuoLingo, but that will come in a future work. Many without the academic qualifications possess the ability to create a drafted form of a text in another language, even more so if they have the time and capacity to dedicate their labour to the project. Where the interest and capacity lies, this bypasses the need to spend, as an example, £9,000 as a UK national, or the even more grotesque £19,350 charged to international students by the University of Glasgow for a twelve-month programme in Translation Studies. Rather, those with the interest and will are able to work towards creating shared drafts that supporters of the work and other interested parties can feed into, reshape, and redraft as, collectively, we create multilingual databases of anarchist theory.

Among the most impressive examples I'm aware of are Anarchist Yondae and @Anarchist_Doseo – much of it relayed by Twitter users such as @Min75Re – which has contributed significantly to establishing a Korean language library of anarchist texts (again hosted on The Anarchist Library). Given this new surge of interest from English-speaking anarchists and political history spheres in Korean anarchism, likely as a result of the actions of Anarchist Yondae and others – see articles from Samuel Clarke (2020), Sunyoung Park (2018), Alan MacSimoin (2005), Gu Seung-hoe (forthcoming), and Dongyoun Hwang (2016) – opportunities for translating source texts from Korean into new target languages such as English opens up histories and modern practices from one particular geographical context to the world.

Correspondingly, those from source language contexts may develop an interest in furthering their understanding of anarchism following exposure to newly offered Korean language texts, so it becomes essential that those with the interest and capacity are able to take works from English, Japanese, Spanish, Portuguese, Arabic, Amharic, Italian, German, Swahili, Russian, French, Mandarin, and to translate them into, in this instance, Korean, without facing state or private corporation aggression via copyright infringement.

This collective approach to allowing new audiences opportunities to engage with the works, as emphasised above, doesn't mean attempting to claim ownership of the original text(s), but instead contributes to the furthering of the original works, sometimes with a supportive statement, commentary, or other contextualisation, with acknowledgements serving as one means for (potentially) avoiding capitalistic bureaucratic hindrance. The challenge and question, therefore, becomes one of whether amateur and co-constructed translations are – despite the attestations of many professional translators that the works will be substandard – worthwhile as a means to democratising knowledge. For my perspective – and I imagine from the majority of anarchists – it's an obvious 'yes'.

“The [...] reason why we primarily translated 'classical' texts is that we believe 'modern' anarchist texts should not be translated, but be produced by us, following our own viewpoints. We believe that 'classic' is a 'tradition' and 'modern' a tactic of struggle. And we think that as we are to engage in struggle in the area of the Korean peninsula, the tactical method should reflect the context of the region.” (Anarchist Yondae 2021)

Doing translation work as activism and as a passion project means that the translator(s) bring with them a drive for communicating the ideas of the source material rather than performing a task dictated to a worker by their manager or direct commissions from clients – i.e. 'produce this book in Greek as we believe it will sell well'. Enthusiasts, then, can donate their time to enhancing the work's readability in the target language, supporting a lead translator, meaning that the original translations need not be perfect. It sees individuals contribute to something larger than themselves, demonstrating a commitment to the development of society. There's a decentring of the self as the collective do not look to 'steal' the knowledge of others, but work towards entrenching a broader 'anarchist canon'; not in a sense of 'intellectual property' but as a means for breaking Euro- and Western-centrisms.

“We translate some anarchist texts, for we do not want Anarchism to be 'elitist' or 'scholarly' current which demands being multilingual to be an anarchist, as there are no texts in the Korean language.; We produce our own texts, for we wish to announce that it is possible to interpret the socioeconomic conditions of Korea from an anarchist viewpoint.; [and] We publish books on those texts. It is not only because we wish to distribute anarchist texts. But rather we want to use our 'legal obligation' of 'presenting specimen copies of any printed books to the national library' as our means of propagation.” (Anarchist Yondae 2021)

To reappropriate a well kent commentary from Emma Goldman, 'if you're interested, ask to participate in the research process. If they won't allow you, ask to access, comment on, critique, share, and further develop the work. If they won't share it, take it from Sci-Hub or The Anarchist Library and do what you will'.

Under the existing capitalist structure, academic research grants are generally offered exclusively based on a guaranteed output at the end of a project, immediately creating pressure for an end result rather than supporting free knowledge exchange and progress. These are currently massively privatised spaces within which opportunities for interaction are essential but

cost-prohibitive. Research is itself a communal experience, with ideas explored in partnership between authors and colleagues; concepts are intentionally borrowed and contextualisation is established based on the works of others. Those unable to afford hundreds of pounds for travel or ‘conference fees’ are denied the opportunities afforded to their peers. To deny not only the public but also to prevent those whose efforts made researchers’ work possible from a theoretical side unless they have access behind paywalls is worse still, and unethical; not to mention the exploitation of research participants.

Alongside the ethical debate around free distribution and the absence of copywriting (privatisation), there are several intriguing examples. I recently became aware that PornHub features a chapter-by-chapter reading of Kropotkin’s *The Conquest of Bread* (1906) – a text first written in French (*La conquête du pain*, 1892), yet pretty central within English-language anarchism. Produced by US anarchist and cam-model Sasha Darling (xosashadarling), she advises that the channel was ‘made [...] mostly for reading theory and literature in the public domain’, with additional advertising of her ‘soft n00d theory reading[s]’ hosted on Instagram. Additional citations have included quotes from French philosopher Georges Bataille, Jean-Jacques Rousseau, and Anaïs Nin (alongside the aforementioned Kropotkin), whilst she has encouraged viewers and consumers of her to content to donate to social justices causes including the Minnesota Freedom Fund and The National Bail Project.

It’s Our Patent Free Philosophy: Bakunin – Bonanno

“To be a custodian is, de facto, to download, to share, to read, to write, to review, to edit, to digitize, to archive, to maintain libraries, to make them accessible. It is to be of use to, not to make property of, our knowledge commons.” (Barok et al. 2015)

Borrowing from Walker (1891), we can reduce the premise of this shared culture of open access and opportunity to do what we can to further the works of those around us as simply, ‘[l]iterary and patent-right property [...] is another name for prohibition. It prohibits an exercise of one’s initiative and laboring faculties’. Further still, in an outright condemnation of the very premise of privileged copyright and private patents, Walker (1891) illustrated the preposterous nature of such a right:

“Let us suppose that perpetual patent and copyright had existed from the beginning of civilization, and that all inventors had claimed their rights. In that case there would be royalties on the wheel, the saw, the knife, the axe, the plough, the use of iron, the processes in every manufacture, on all games, on money, on paper, on fire, on matches, on window glass, on doors and hinges, on springs, on locks, on beds, on soap and the use of soap, on hot water, on brushes, on every kind of clothes and shoes, on ink, types and every press, on the musical notation, on books, on the alphabet, on the numerals, on arithmetic, on bookkeeping by single and double entry. What would business men do without figures? They, too, must pay. But [...], in turn, must get the permission of the owners of the processes of paper-making, printing, and bookbinding.”

As has been articulated many times over, an anarchist approach does not mean the creative labour of individuals or collectives goes unacknowledged. A universally accessible database detailing where works originated, with spaces for additional commentary, supplementary author or reviewer notes could easily be created without the need for copyright – perhaps indicating the need to consider how Creative Commons fits within a debate such as this, compared to Graeber’s

(2004) suggestion of a practical concession of a single year-long copyright. In contrast, when an artist may be acknowledged as the creator of a work, this need not prevent others from accessing, enjoying, or being inspired by it. The need for financial recognition via private property is the consequence of an aggressive capitalist social order that denies equal access both to opportunities to create and to produce. When individuals are compensated for their labour in *trying* to create new knowledge or understandings, rather than exclusively for output, competition need not be the mechanism by which we progress. '[T]he trick', according to Gillis (2016), 'is that the efficiencies of anarchistic social arrangements extend to the social support infrastructure for science as well. A more efficient society provides greater background abundance, freeing inquiring minds that might otherwise be economically trapped and providing greater real wealth across the board'.

Let us close, then, with a final comment from Walker which would not be out of place in Swartz's manifesto:

"To steal is to take by stealth, – without the knowledge and consent of the owner. As long as [the author] has an idea in his brain, it is his, and it is not mine until it is in my brain. I do not get it by stealth if he publishes it. I shall then print his idea in his own words; make an exact copy of his book, with his name on the title-page, if it suits me best to do so." (Walker 1891)

After more than a decade of austerity, a phenomenon which has radicalised many, let us take what action we can to liberate knowledge. Those within the academy have the privilege of access and moral duty to share whatever we can, whilst those with the skills should be supported to create translations without the demand for a certificate of supposed competency. So fight the gatekeepers. Download and upload. Let us work together to surpass the paywalls.

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The Anarchist Library
Anti-Copyright



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