

BLOCKCHAIN©RIGHT

THE SCEPTIC'S VIEW

Balazs Bodo,

Blockchain&Society Policy Research Lab, IViR, UvA

IT'S DÉJÀ VU ALL OVER AGAIN...

- Code is Law
- Certain technological design choices are inevitable: the future looks like the present
- Open, decentralized, distributed technology will re-shape the current closed, centralized political, economic, social modes of organization
- The status quo will be disrupted beyond recognition
- Incumbents will be replaced and disappear
- <https://www.youtube.com/watch?v=WZEJ4OJTgg8>

IT'S DÉJÀ VU ALL OVER AGAIN...

- Law is more than Code. It is conflict resolution, negotiation, incentive...
- Technological design choices are shaped by power
- We tend to reproduce and reinforce existing inequalities on new technologies
- Status quo is hard to change, progress is rarely teleological
- Many incumbents are resilient or horrible dictu *useful, and valuable*
- Web 1.0, web 2.0, record labels, newspaper publishers, media conglomerates, telcos...

- Is there a problem which we couldn't solve before without blockchain?
 - Global Repertoire Database?
 - Which blockchain architecture are we talking about anyways?
- Does smart contract based licensing solve what DRM was unable to?
 - Fair use / limitations exceptions
 - Public domain
 - Willfully unenforced uses?

INCENTIVES

- Why would end-users want to switch?
- Why would long-tail artists want to switch?
- Why would stars want to switch?
- Why would institutional rights holders (publishers, labels) want to switch and share rights data openly?
- Why would CMOs want to switch and share rights data openly?

STAKEHOLDERS

- Can you bootstrap the switch without the cooperation of those trusted middlemen that blockchain promises to do away with?
- What is the value proposition of current intermediaries and does any blockchain proposal offer a better one?
- Is it disintermediation, or rather, the introduction of a new layer of (technical) middlemen, who compete with / rely on the old ones?

SMART CONTRACTS

- What functions of the law you cannot automate away? (See FB and content moderation)
- What are the fallback options if trust is an issue?

BIG PICTURE

And if all goes well, and a blockchain registry and smart contract based licensing future happens:

Do we know the pros and cons of a purely (or mostly) privately ordered domain of cultural production, distribution and consumption versus one that is for better or worse ordered through democratic institutions?

Is the blockchain based libertarian dream inherently better, more just, than what we produced so far through parliaments, courts, international agreements and technology?