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Designing for Privacy and its Legal Framework: Data Protection by Design and Default for the Internet of Things

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Reviewed by: Methinee Suwannakit

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The Internet of Things (IoT) literally means things or objects that connect to each other via the internet. The Organization for Economic Co-operation and Development (OECD) Digital Outlook 2015 report defines IoT as 'all devices and objects whose state can be altered via the Internet, with or without the active involvement of individuals'.[1] As a matter of fact, IoT market is growing rapidly. International Data Corporation (IDC) predicts that worldwide technology spending on the IoT will reach 1.2 trillion dollars in 2022.[2] Although connected devices or smart devices placed in offices or homes offer convenience and comfort to users, IoT raises several concerns with user's privacy and data protection. Moreover, while users benefit from smart wearable devices for tracking their physical activities, they do not want to share their health-related data with other third parties. Responding to privacy and data protection concerns, policymakers are therefore keen to develop legal frameworks to protect personal data in the smart digital environment. However, laws alone cannot lead to changes in practice because data protection stems from the design of technology. In regards with a relationship between law and technology, Lessig[3] argues that regulations of behaviour in cyberspace impose through code (technology). Thus, changing the 'architecture' of technology could be effective in altering a particular behaviour. Law also has an important role in changing the 'architecture' of technology by requiring an architect to modify his or her 'architecture'. Similar to this idea, the new notion of 'data protection by design', codified in Article 25(1) of the EU General Data Protection Regulation (GDPR), requires a controller to ensure that data protection is implemented into the design of new products both 'at the time of the determination of the means for processing' and 'at the time of the processing itself'. As a result, each smart product is required to design effective technical protection in the first place to prevent every possible way of data breach. Nevertheless, despite introducing the new concept of data protection by design, GDPR does not provide any prescription on how to apply the concept in practice. In other words, it does not clarify on how the architecture of technology should be designed. Accordingly, practical guidance is needed to be developed.

In this book, Tamò-Larrieux provides a more concrete guidance and illuminates how to apply data protection by design, particularly in the IoT environment. The book contains two types of knowledge: law and engineering. Hence, it is suitable for both lawyers and engineers. The author believes that the key obstacles for creating practical methods for data protection are unfamiliarity of data protection principles of engineers and complexity of technical tools, which is inaccessible for policymakers or lawyers. Accordingly, she aims to bridge the gap between law and engineering disciplines in order to strengthen data protection by design. The main question in this book is 'how can technology protect privacy and how can policymakers harness the protection of privacy via technology?' (p 13)

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[1] OECD, Digital Outlook, 2015, p 244.
[2] 'IDC Forecasts Worldwide Technology Spending on the Internet of Things to Reach $1.2 Trillion 2022' *IDC* (18 June 2018) <https://www.idc.com/getdoc.jsp?containerId=prUS43994118> accessed 15 January 2019.
[3] Lawrence Lessig, *Code, and Other Laws of Cyberspace* (Basic Books 1999).

From chapter one to six, the author sets out background information on a digitalized environment and examines various privacy ideas within the legal and engineering disciplines. In chapter three, the book discussed privacy rationales by taking different perspectives into account. Chapter four then introduces specific protection mechanisms in three IoT case studies; Radio Frequency Identification (RFID), smart energy architectures and smart wearable devices. The major strength of this book is that it can simplify the complex terminologies of technical tools and confusing legal principles in an understandable manner. For example, in chapter five, Tamò-Larrieux constructs a taxonomy of legal principles aligning with technical tools for data protection. In chapter six, she then describes the taxonomy of technical tools in an accessible way for lawyers, for instance, she explains cryptosystems and illustrates the basic function of encryption by giving a clear example and figure.

From chapter seven to nine, the author combines legal and engineering approaches and discusses how this interdisciplinary approach may apply in designing for a privacy-friendly IoT environment. Starting with chapter seven, Tamò-Larrieux maps the legal principles and technical tools throughout the life cycle of data. In this chapter, the readers will learn legal principles underpinning each phase of data life and be able to identify the technical tools concerned with each phase. Consequently, chapter seven is useful for creating a more specific data protection guideline in following chapters.

In essence, chapter eight provides regulations guidance for data controllers so as to implement data protection by design. In other words, chapter eight explains how to use technical tools for designing data protection to meet legal standards, such as the specific security measures in Article 32 of GDPR. This guidance is practical and valuable for all developers and engineers. Moreover, the merit of chapter eight is that it answers the question of how policymakers can harness the protection of privacy via technology. In this chapter, Tamò-Larrieux analyses similarities and differences among legal and technical rationales, before deliberating lessons learned for policymakers. The findings indicate that if legal and technical objectives are similar, the guidance will be more certain, for instance, when conceptualizing security and transparency issues. In contrast, if legal and technical approaches are different, the regulations and guidance will remain broad. In addition, the author explains the differences between the three functions of legislation, namely regulation as a constraint, enabler, or leveler. In this regard, when policymakers need to develop a strict and precise regulation, they should focus on aligning regulation with technical concepts. If policymakers want a less strict regulation, they should consider parallel or related approaches, draft a technology-neutral regulation and leave the concrete one to lower-level regulations or allowing self-regulations. In spite of this, an in-depth analysis of differing approaches, for example, conflicts between technical objectives in data processing and legal principles of purpose limitation and data minimization, needs to be further discussed.

In chapter nine, the author demonstrates how to apply technical tools complying with laws in the typical actions of a startup scenario. By giving a hypothetical case study, this chapter does help answer some practical questions that the readers may have in mind during the previous chapters. In addition, the author deliberates lessons learned for startups in the IoT. For example, she suggests that a starting point for designing data protection is an understanding of overall data flows, then, a developer should assess risks and prioritize actions in every phase of data life cycle. Although designing data protection is not a 'one size fits all' concept, generally the operations of startup in IoT is similar. Therefore, this chapter is also beneficial for designing data protection in other related settings.

Furthermore, in chapter ten, the author looks beyond the hypothetical scenarios and observes the challenges of implementing technical tools, such as economic obstacles and issues of interoperability, usability and design issues, challenged anonymity and issues of erasure and control. Tamò-Larrieux argues that some of these challenges can be overcome by laws. She highlights that the concept of data protection by design can strengthen the relationship between law and technology. In spite of an in-depth legal analysis, Tamò-Larrieux makes her argument clearly on how engineering guidelines should be developed. While other engineering guidelines predominantly focus on a security engineering mindset, the author establishes a holistic set of data protection engineering guidelines. This set of guidelines is a significant contribution as it can fill in the gap in the engineering literature.

Despite some limitations, this book is worth reading for everyone interested in the privacy field in general and data protection by design in particular. Tamò-Larrieux makes her book phenomenal by its friendly format for practitioners. She establishes some essential guidelines, which lawyers, engineers, and all stakeholders can use as a reference for designing data protection. Most importantly, policymakers can use this book and its interdisciplinary approach as an initial source for developing a better legal framework for the growing IoT environment.

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The Protection of Traditional Cultural Expressions in Africa

Enyinna Nwauche

Reviewed by: Zhang Jiarong

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How does a modern-based sui generis model protect traditional cultural goods? How does an individual-oriented intellectual property system protect community-produced expressions? While *Enyinna Nwauche's latest book, The Protection of Traditional Cultural Expressions in Africa*, answers that sui generis and intellectual property have an effect on the protection of traditional cultural expressions (TCEs) and intangible cultural heritage in Africa, it also shows that a peoples' and human rights framework is the way to advance the two protection models.

TCEs are basically regarded as the same as folklore, intangible cultural heritage, and indigenous cultural heritage.[1] Definition controversies reflect TCEs' complex nature from the traditional environment and contradict the modern legal regime. From 1967, many draft laws have been formulated by UNESCO and WIPO regarding different aspects of the protection of TCEs, such as the subject-matter of protection, beneficiaries, and the legal and policy options.[2] Three years before the publication of Nwauche's book, WIPO released *The Protection of Traditional Cultural Expressions: Draft Articles Rev. 2 in 2014*, which was developed on the basis of *The Draft Articles on the Protection of Traditional Cultural Expressions/Expressions of Folklore* made in 2010. But the draft has not passed until now. Owing to Enyinna Nwauche's working experience as the director of the Nigerian Copyright Commission, the book sheds light on the intersection of intangible cultural heritage, human rights and the ever-changing intellectual property system in Africa. It is timely as the protection for TCEs has been developed for several decades, but many thorny issues remain controversial.

On the basis of analysing the nature and characteristics of TCEs and the critical issues and challenges of protecting TCEs in Africa, the book explores four protection approaches: sui generis (negative protection); intellectual property (positive protection); tangible heritage law; and peoples' and human rights. In order to evaluate each approach, the book analyses the effect of TCE-related laws, such as the copyright and heritage laws of many African countries, from a comparative perspective. It flags numerous examples of countries such as Kenya, South Africa, Nigeria and Ghana.

A specific contribution of the book is that it fills a literature gap on the assessment of African laws protecting TCEs. As Nwauche traces main documents on this issue from UNESCO and WIPO with detailed indexes, the book will be a reliable and superb reference for further elaboration. For example, Nwauche carefully analyses the Swakopmund Protocol, whose highlight is endowing indigenous

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[1] *Janet Blake, Developing a New Standard-Setting Instrument for the Safeguarding of Intangible Cultural Heritage: Elements for Consideration (Paris: Unesco, 2001).*

[2] *WIPO, "The Protection of Traditional Cultural Expressions: Updated Draft Gap Analysis" Geneva: Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, 2018).*

communities with rights over TCEs (p.70). A similar full evaluation is seen in South Africa's IPLAA 2013, as it divides TCEs into different categories and reintegrates each category into an existing type of intellectual property right, entitled "traditional" or "indigenous", such as "traditional work" or "indigenous designs" (p.113). From the analysis, Nwauche suggests that the primary obstacle to protection is that many African states own and control TCEs, and customary norms are underestimated, which stops communities with a strong desire to protect their creations in a negative model and prevents TCEs from registering as intellectual property rights in a positive model.

This obstacle affects both sui generis and intellectual property protection,and is related to the lower participation of communities. This book emphasises the vital role of communities, which crops up in some places in the text. Unlike other studies that typically define communities as indigenous or local communities, this book distinguishes communities as unethnic communities (e.g. religious communities and linguistic communities) and ethnic communities that are regarded as indigenous communities, and only their creations are qualified as TCEs (p.28). Most concentrated is the section entitled "Communities in African States and Expressions of Folklore", which provides an analysis of the relationship between communities with individuals and states. These discussions are a great help in considering which communities are eligible TCE owners.

Related to this, the author aptly points out that underestimating customary laws can also invalidate negative and positive models (p.6). Customary laws can define TCEs and resolve disputes involving TCEs (p.71). The specific legal provisions presented in Ch.6 may reverse readers' understanding of African customary laws, which are treated equally with statutory laws in many countries, such as Kenya and South Africa (p.176). This fact may motivate countries in other regions to protect TCEs and communities by recognising customary laws. However, the premise of applying customary laws is to confirm them, which is a difficult problem. Community connections may be loose, and different groups may have different understandings of customary laws.

Also, what may strike readers as noteworthy is that Ch.4 of the book provides a way to protect TCEs through tangible cultural heritage laws, while for a long time the protection of TCEs, as intangible objects, had been considered separately from tangible cultural heritage. Also, the fact that intangible cultural heritage is embedded in tangible cultural heritage has been ignored. This approach has been given a new introduction in this book. As proven by a few examples, the protection of TCEs can be achieved indirectly by restricting access to tangible heritage (p.86). The obstacles in this path are interpreted by Nwauche as tangible cultural heritage being controlled by states (p.80). There are other reasons, such as that the heritage law cannot force TCE holders to control the reproduction and dissemination of their productions, but the book provides a reasonable explanation for this.

Another novel point is that the book suggests a peoples' and human rights framework as a "means" to achieve negative and positive protection of TCEs by gaining community entitlements and implementing customary laws, while other research only thinks of human rights as the "ends" to protect indigenous people and communities. Nwauche proposes an ideal system for protecting TCEs here, which not only eliminates the barriers of communities being right holders under various protection modes, but also preserves the possibility of using multiple models to protect TCEs. This will be a significant contribution to the research area.

The book is not without some minor flaws. Some community-related issues within the scope of the book have been mentioned, but not further developed. For instance, the exploration of community is not exhaustive. It is therefore questionable how the community is categorised, in addition to the types mentioned by the author. This question is understandably missing in studies of this sort because it is not a special folklore study. But, not surprisingly, readers may wonder which kinds of communities' creations can be considered as TCEs. Some countries have rich akin TCEs which are not developed by ethnic communities. If only the expressions from ethnic communities are qualified, many expressions will be denied as TCEs, although their essence is TCE. Moreover, one of the essential characteristics of TCEs is that they are integral to community identity. Therefore, the classification of communities poses a possible threat to the pre-existing definitions of TCEs. Also, while the reconciliation between communities and states has been thoroughly discussed, the nexus between communities and individuals, including community members and outsiders, still seems to be unclear. The community is the centre of the book's compass for navigating the sea of the protection of TCEs, which ideally own rights of TCEs in sui generis and intellectual property protection. Thus, later editions of the book might benefit from adding meticulous consideration of a taxonomy for communities and its relationship with the qualification of TCEs. Despite such ambiguities, the book paves the way for protecting TCEs by communities.

Although the monograph focuses only on Africa, it is highly instructive with regard to the formulation of laws in other regions. One of the issues is the impact of geographical factors on TCEs. African communities can straddle two or more countries, and "indigenous communities" have entirely different meanings from the same term on other continents, owing to their colonial history (p.29). Where appropriate, the features of communities in every unique region can be discussed in the research targeted at specific regions.

Where does the book leave us? Nwauche explores four protection models with a meticulously detailed but accessible writing style. His conclusion on the vital role of communities is compelling, as is his meticulous commentary on legal documents from African countries. This book is meant to be read by those researchers focusing on TCEs, cultural heritage, indigenous property and related law issues. It

will also be of the greatest value to those involved in law-making for TCEs and indigenous culture. It would not be very useful for the lawyers and staff of local cultural industries as it is too academic and cannot be used immediately in practice.

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Authors, Users, and Pirates: Copyright Law and Subjectivity

James Meese

Reviewed by: Amy Thomas

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A type of legal fiction exists in copyright law which presumes the existence of clearly defined and sufficiently delineated legal subjects; certainly, if the law has any duty to be precise, we assume that we should be able to accurately identify these subjects with a high degree of certainty. As attractive as this proposition may be, anyone who is involved in this area will know that this is simply not the case. This less sharply delineated reality fundamentally underlies James Meese's recent book, *Authors, Users and Pirates: Copyright law and Subjectivity*, which proposes a new relational framework of understanding. This account draws on the influential work of Carys Craig (*Copyright, Communication and Culture: Towards a Relational Theory of Copyright Law* (Cheltenham: Edward Elgar, 2011)) that challenges how we approach three pivotal copyright subjects - the author, user and pirate. Meese demonstrates how these subjects are often subjectively constructed, and their roles and accompanying merits or demerits are invoked by various stakeholders in order to impart a particular view or concept of that subject at any given time. To take a contemporaneous example, authors may argue that creative reuse by internet users represents a risk to the infringement of their exclusive rights if users are permitted to modify existing works in memes, remixes and mash-ups; conversely, online platforms may argue that these are creative, legitimate and authorial acts that should be encouraged, and are a defining trait of internet culture. Which, if either of these, is the correct understanding of a user? Neither? Both? Whilst we may be no closer to a stable definition of any of these subjects, come the end of the book we are in a better position to understand *why* this is the case.

The book's central tenet is the interconnectedness of authors, users and pirates, and how the distinctions dissolve or the boundaries between these legal subjects frequently overlap, as demonstrated throughout Meese's book with the use of a Venn diagram. This results in chimera-esque classifications of entities such as the author-user (eg, of user-generated content, or in referencing another work to inspire the creative process) or the user-pirate (eg, someone straddling the boundary between lawful and unlawful use), subjects which have been explored in Meese's earlier works (see, J. Meese, 'The pirate imaginary and the potential of the authorial pirate' in J. Arvantakis and M. Fredriksson (eds), *Piracy: Leakages from Modernity* (Sacramento, CA: Litwin Books Llc, 2014) and J. Meese, 'User production and law reform: a socio-legal critique of user creativity' (2015) 37 *Media, Culture & Society* 5). These classifications present a direct challenge to more dichotomous and polarising views of copyright as author versus world, and offer up a more harmonious, less adversarial perspective of how copyright may operate.

Meese adopts an interdisciplinary, socio-legal approach, a hybrid between doctrinal law and cultural research. Meese acknowledges that by not committing wholly to either approach, specialist readers from either field may be disappointed (10). On the contrary, this reviewer found the book considerably

more accessible to scholars and students from either field; doctrinal points are covered with clarity without being obscured by legalese, and cultural studies approaches are discussed with sufficient depth to convey the argument, without overwhelming the reader with unfamiliar theory. In this sense, the book is best approached as a narrative that does not attempt to follow structures more typical of either field. The approach is illustrated by the choice to interweave analyses of the three subjects throughout the chapters rather than discussing them in isolation, in line with a view of interconnectedness. Chapter one begins by tracing the historical development of copyright law, emphasising that copyright has 'always been relational' (15) despite a seemingly instrumentalist approach to authors rights alone. Following this, Chapter two charts the more recent phenomenon of the user in the Web 2.0 era, demonstrating a shift in perceptions from users as piratical to users as a positive source of creativity. Chapter three then turns to the author, examining how doctrinal boundaries vary in the rights they attribute, and the uses they except. Returning to these uses, Chapter four fleshes out the user in more detail through an analysis of legal reforms which have reconsidered the role of the user as a subject increasingly closer to authorial in nature. Chapters five and six conclude with a discussion of the pirate, the former adopting a cultural lens and the latter a more doctrinal approach, acknowledging that the pirate is constructed equally in rhetoric and law. Throughout, and in providing tangible examples for this relational theory, Meese focusses on four common law jurisdictions for his analysis and application, namely the USA, UK, Canada and Australia. This selection ensures some functional equivalence whilst avoiding being strictly comparative; certainly, no exhaustive comparative approach is adopted throughout, which would be ambitious indeed in the context of a multi-subject, historical analysis. Instead, examples are used as necessary from the most relevant jurisdiction in case law, legislation, policy debates etc to substantiate the author's relational theory.

Meese's perspective is appealing, though it is difficult to approach this relational triad without questioning its balance. On this aspect there are two points worth noting. First, we may agree that copyright is written from the perspective of the author, and primarily functions to ascribe them their various entitlements. Users and pirates (at least from an EU perspective) are not, ergo, the subject of copyright law; instead, they take up the space left over where the author's entitlements end. They are not defined as a separate entity as such, and instead are defined by the limited carve-outs allowed to them in absence of the author, eg through copyright exceptions. A project seeking to understand the user or pirate would find doctrinal materials alone to be unsatisfyingly thin; these are subjects which have been constructed from the ground-up, less so in law and more so in cultural discourse. Meese's methodology is helpful in this regard, as it blends both, though it is worth noting the difficulties inherent in treating the user or pirate as a viable comparison to the author.

Second, surely the user is more pervasive, if a user is defined as someone who lawfully or legitimately accesses or consumes a work, than an author or pirate? It is plausible that everyone is a user of some

work or another, less so an author or pirate, notwithstanding the very low threshold of originality required for authorship in the EU; user-ship is surely the default rather than the exception. In this sense, it may make more sense to understand the relational triad with the user as the all-encompassing central subject, which includes authors and pirates, but does not exist separately from them.

These points are not to dismiss the work Meese has done in challenging the idea of clearly delineated roles in copyright; in fact, they are made possible by it. The application of a relational approach to these subjects is undoubtedly the most innovative aspect of the book, which allows us to challenge their construction and framing.

As noted above, by the end of the book we are seemingly no closer to establishing clearly delineated or defined roles for the author, user or pirate, but Meese's aim is instead to explain why this is, rather than to provide a solution as such (and indeed, it may be the case that the lack of a stable definition is not necessarily a problem). In keeping with this, Meese stops short of making any concrete recommendations, such as how the analysis is applicable for improving copyright policy. Instead, its relational framework is employed to better understand how these three interconnected subjects are constructed and deployed in both law and cultural discourse. Indeed, this may find ample testing ground in the recent policy discussions on the Copyright in the Digital Single Market Directive, of which I was reminded throughout Meese's book. In particular, the discussion in Chapter five ('Reimagining the Pirate: Approaching Infringement Relationally'), on the controversial Stop Online Piracy Act (SOPA) and Protect IP Act (PIPA) in the US, is reminiscent of current Digital Copyright debates in the EU. Meese's relational framework would reveal the presentation of the author, user and pirate in these debates as legal subjects abstracted from any strong foundational justification in copyright, and instead subjectively constructed depending on the stakeholder speaking. In particular, we may look to the debates surrounding Article 17 (draft Article 13 – and sometimes known as the upload filter or censorship machine provision) which purports to expand existing liability regimes for online platforms (such as YouTube or Facebook) by imposing certain obligations regarding infringing content. As per the proposal, absent a licence agreement between the platform and relevant rightholder, the platform must use effective and proportionate measures to *prevent* the availability of infringing content. This requirement for *ex-ante* prevention, as opposed to the current ex-post system of notice-and-takedown, has led to concerns that this will inevitably lead to pre-upload algorithmic filtering of user-generated content, a technology which as it presently stands is unable to distinguish between legitimate and infringing content. By way of an example, such technologies usually work by comparing the new content, as uploaded by the user, against a library of protected content, as held by rightholders; when the algorithm detects a match between this content and subsequently blocks it, it may not be able to distinguish the fact that the new content is, eg, a parody of the original (a legitimate use) using the same video or audio elements.

Using the relational framework in this context, we see that the user is very difficult to discern in this provision; arguably, Article 17 targets an individual better understood as the user-pirate *per* Meese, or the construction of users as 'actual or potential trespassers or pirates' (as noted by Craig, cited above, 3). Simultaneously they represent both the threat of copyright infringement (the pirate), but also of a legitimate entitlement to access of a free and unfettered internet (the user), which may be jeopardised by a new scheme of platform liability. In this vein, it becomes clearer why Meese challenges dichotomous approaches to copyright roles; without appreciation of the many grey areas that exist, the lawful tends to get subsumed with the unlawful (eg, the lawful user becomes one with the unlawful pirate) for lack of a better classification. The same may be said of online platforms in the debate, a subject that is not strictly included in Meese's framework unless one considers them a broader extension of a user; whilst at times unclear, the target of the new proposal has been dominant platforms such as YouTube and Facebook. Nonetheless, early versions of the text would have also captured not-for-profit or educational resources such as Wikipedia or Github. Whilst these have since been excepted, such platforms will nonetheless be impacted if volunteers struggle to source information as a result of less content being uploaded due to algorithmic filtering. Once again, we see the overarching narrative of online platforms as potential infringers (pirates) has subsumed lawful use (of users) as a result of presuming clear demarcation of copyright roles and benefits to authors.

Even at this stage, a clearly defined author is also absent in the context of the Directive. Within these debates, we have seen how questions on the regulation of user-generated content are also indirectly a question of the authorial capabilities of a user, or the user-author according to Meese. It is not necessarily a new argument to state that users in this context are actually authors-proper, with many remixes, parodies and mash-ups meeting the low threshold of originality required for copyright protection. Accordingly, user as a term is perhaps utilised as a label to introduce a new normative vector of distinguishing between amateur and professional works, generally understood as being against the principle of, eg, aesthetic neutrality (see D.J. Gervais, 'The Tangled Web of UGC: Making Copyright Sense of User-Generated Content' (2009) 11 *Vanderbilt Journal of Entertainment and Technology Law* 841). However, such an argument may be particularly worthwhile exploring in the context of algorithmic filtering, or content recognition technologies, such as the digital fingerprint matching Content ID. These technologies are arguably author-centric, serving to automate the process of identifying infringing content uploaded by pirates, thereby hastening and streamlining this process. If this is the case, these technologies should also operate to favour the user-author, who is also presumably entitled to the benefits brought by automation; however, and more often than not, this is not the case, with many lawful works being erroneously removed or as detailed above, unable to be distinguished from illegitimate or infringing uses. Is it possible to design a system that accommodates both the author-proper and hybrid user-author? Untangling and addressing these complex relationships is necessary to

producing good legislation – legal subjects must be identified accurately, or we run the risk of misidentification, mismanagement, and ultimately erasure.

I would therefore propose that Meese's lack of concrete suggestion is not necessarily a short-coming, and instead this book has produced an adaptable and plausible framework that creates a lens through which we can appreciate the interconnectivity of various legal subjects, rather than simply seeing the opposition (as demonstrated by this brief application of said framework to recent policy debates in the EU). Meese rightly calls for more empirical evidence to develop more concretely the image of the author, pirate and user, in particular citing the detailed ethnographic studies more commonly employed in science and technology studies (108-109). Future researchers may also look to adapt his framework beyond the author-user-pirate triad; intermediaries, platforms, publishers etc may also be legal subjects that are subjectively constructed and worthwhile considering.

Meese's book is an exercise in breaking down the imaginary concrete barriers between pivotal legal subjects in copyright, and indeed challenging our base understanding of what we know these subjects to be; perhaps we are not all so different after all, and a dichotomous view of the world is less helpful than a relational one. Such a framework can plausibly be employed to break down these barriers and understand how each of these subjects is subjectively constructed both in law and cultural discourses. No doubt, this will inspire further research into the author-user-pirate triad in the hope of leading to a more accurate reframing of copyright law in the future.

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