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Law in Books, Norms in Action

Governing intellectual property rights in a file sharing society

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The sharing of computer programs, movies and music over the Internet marks an all time high in the persistent controversy between intellectual property owners and copying technologies. On the one hand the copyright lobbyists have managed to produce numerous political and legal victories over the last decade, on the other hand, file sharing has gradually become a natural element in the everyday life of today's younger generations. At present, the magnitude of the expanding gulf between traditional society's intellectual property right complex – *the law in books* – and the young E-communities budding social norms – *the norms in action* – goes beyond the prosaic judicial aspects. Apart from the obvious emergence of a new form of legal pluralism, this kind of gap runs the risk of disintegrating society and undermining governing legitimacy.

This article will present an ongoing research project within the field of *sociology of law* which empirically examines the growth of social norms in file sharing communities; ones that dramatically differ from the legal norms and traditions of mainstream society. The project also examines the development of copyright legislations from the 1950's and up until today; with a focus on reasons and ideas behind choice of terminology.

One purpose is to show that the digital context when it comes to file sharing is not a milieu without norms or even processes of norm creation. However these cybernorms differ, both in inherent structures and origin, from current legal constructions. There is reason to talk about "virtual solidarity" as a new form of solidarity in society, to paraphrase Durkheim, who described the organic solidarity of the industrial society. The key question is how to create efficient governing and adequate laws in a society where virtual solidarity is emerging.

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