

- *I cannot afford to buy the software or movie or pay the royalty for use of a song in my video.* There are many things we cannot afford. Not being able to afford something does not justify taking it.
- *The company is a large, wealthy corporation.* The size and success of the company do not justify taking from it. Programmers, writers, and performing artists lose income too when copying is common.
- *I wouldn't buy it at the retail price (or pay the required fee) anyway. The company is not really losing a sale or losing revenue.* The person is taking something of value without paying for it, even if the value to that person is less than the price the copyright owner would charge. There are times when we get things of value without paying. Our neighborhood looks better when our neighbors paint their houses. People do us favors. It can be easy to ignore a crucial distinction: Who makes the decision?
- *Making a copy for a friend is just an act of generosity.* Philosopher Helen Nissenbaum argued that someone who copies software for a friend has a countervailing claim against the programmer's right to prohibit making the copy: the "freedom to pursue the virtue of generosity."<sup>11</sup> Surely we have a liberty (i.e., a negative right) to be generous, and we can exercise it by making or buying a gift for a friend. It is less clear that we have a claim right (a positive right) to be generous. Is copying the software an act of generosity on our part or an act that compels involuntary generosity from the copyright owner?
- *This violation is insignificant compared to the billions of dollars lost to piracy by dishonest people making big profits.* Yes, large-scale commercial piracy is worse. That does not imply that individual copying is ethical. And, if the practice is widespread, the losses become significant.
- *Everyone does it. You would be foolish not to.* The number of people doing something does not determine whether it is right. A large number of people in one peer group could share similar incentives and experience (or lack thereof) that affect their point of view.
- *I want to use a song or video clip in my video, but I have no idea how to get permission.* This is a better argument than many others. Technology has outrun the business mechanisms for easily making agreements. The "transaction costs," as economists call them, are so high that a strict requirement for obtaining permission slows development and distribution of new intellectual property.
- *I'm posting this video (or segment of a TV program) as a public service.* If the public service is entertainment (a gift to the public), the observations above about copying as a form of generosity are relevant here. If the public service is to express an idea or make some statement about an important issue, the posting might be analogous to creating a review or a parody. In some cases, these might be reasonable fair uses