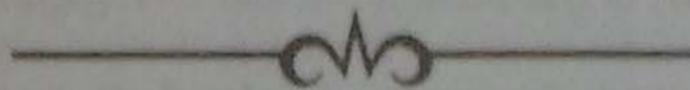


From Maimonides to Microsoft

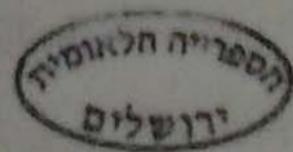
*The Jewish Law of Copyright
since the Birth of Print*



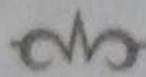
Neil Weinstock Netanel

with contributions by

David Nimmer



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Introduction

Microsoft in Bnei Brak

I. A RABBINIC COURT EDICT

In the 1990s, Israel earned the dubious reputation as a “one disk country.” Software producers, record labels, and film studios complained that each CD or DVD they were able to sell in Israel immediately became the master for tens of thousands of illicit copies. Microsoft’s Israeli subsidiary responded to the rampant piracy of its software with a campaign of consumer education—and litigation. Beginning in 1997, Microsoft brought dozens of lawsuits seeking to enforce its copyrights under Israel’s then-applicable copyright law, an updated version of the British Mandate copyright statutes that had been in effect at Israel’s independence.

Yet Microsoft was not content merely to seek redress under Israeli law in official Israeli courts. It also petitioned an esteemed rabbinic court in the ultra-Orthodox (or “*haredi*”) city of Bnei Brak to proclaim that anyone who pirates software violates Jewish law. On August 6, 1998, the court issued its ruling, a one-paragraph edict signed by seven rabbinic luminaries. Included among the signatories was Yosef Shalom Eliashiv, until his recent death at the age of 102 widely regarded as the paramount living rabbinic authority for Ashkenazi Jews; Ovadia Yosef, until his recent death, the foremost living authority for Israel’s Mizrahi Jews; and Nissim Karelitz, the court’s presiding judge and a leader of Israel’s Lithuanian *haredim*. As is customary, the court’s edict was promptly printed on wall posters, known as *pashkvilim*, and plastered on notice boards throughout the streets of Bnei Brak.