

Memed Into the Public Domain?

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When the definitive history of the 2016 presidential election is written, the central figure may turn out to be . . . a frog.

“Pepe,” to be precise.

The cartoon frog with red lips started out as a minor figure in a Matt Furie webcomic, but came to symbolize so much more.

“This iconic amphibian has been labeled a Nazi, condemned by a presidential candidate, and now is at the center of an important First Amendment battle in an era of unlimited replication, imitation,

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and mutation,” writes Zach Weissmueller in a highly entertaining story in *Reason*. “It’s a fight that involves the alt-right, Trump voters, a powerful Washington, D.C.-based law firm, and the anonymous online image board 4chan. . . .”



Mike Cernovich, the pro-Trump, anti-SJW publicity artist, has found himself at the center of the legal controversy. He’s hired a lawyer.

Oddly — or maybe not, politics and culture wars being what they are — the lawyer for Pepe’s creator makes much of the alt-right/hate group usages of Pepe:

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Contra Furie’s lawyer, you *are* allowed to copy others’ ideas in a free society. Copyright is something a bit narrower. Trickier.

This fight over the satirical use of a Trickster figure may turn out to be a legal and cultural landmark. “Fair use” could come to mean what Mr. Cernovich’s lawyer argues, ideas “memed into the public domain.”

Meanwhile, to the many causes of Hillary Clinton’s cruel fate in 2016, we can add a cartoon frog.

This is Common Sense. I’m Paul Jacob.