

Intellectual Property.

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Ethical Views on Censorship

■ Kant's view:

- Have courage to use your own reason
- Obstacles to using own reason were removed in the Enlightenment
- Kant opposed censorship

[Today]

- Intellectual property

[Intellectual property]

- Intellectual property rights
- Protecting intellectual property
- Restictions on Use
- Protection for software
- Morality of copying software

[What is intellectual property]

- Any unique product of the human intellect that has commercial value:
 - Songs, books, films, paintings, inventions, software.
 - Source: (The university of Texas – Intellectual properties: www.uta.edu/tto/ip-defs.htm)

- Can one own intellectual property?
- Discuss

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5

[Intellectual property,]

- Often known as IP:
 - allows people to own their creativity and innovation in the same way that they can own physical property.
 - The owner of IP can control and be rewarded for its use, and this encourages further innovation and creativity to the benefit of us all.
 - *Source: intellectual-property.gov.uk*

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6

[The four main types of IP]

- Patents
- Trade Marks
- Designs
- Copyright

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7

[Patents]

- for inventions - new and improved products and processes that are capable of industrial application

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8

[What is a patent?]

- A patent gives an inventor the right for a limited period to stop others from making, using or selling an invention without the permission of the inventor.
- It is a deal between an inventor and the state in which the inventor is allowed a short term monopoly in return for allowing the invention to be made public.

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[Conditions]

- Specific conditions must be fulfilled to get a patent. Major ones are that the invention must
 - be new
 - involve an inventive step.
 - be industrially applicable

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[What is a Trade Mark?]

- A trade mark is any sign which can distinguish the goods and services of one trader from those of another.
- A sign includes words, logos, colours, slogans, three-dimensional shapes and sometimes sounds and gestures.

[Logos]

The Google logo, featuring the word "Google" in its characteristic multi-colored font.

[A "badge" of origin]

- A trade mark:
 - is used as a marketing tool so that customers can recognise the product of a particular trader.
 - It must also be capable of being represented graphically, in words and/or pictures.

[What is a design?]

- A design refers to the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture or materials of the product or its ornamentation.

[What is copyright?]

- Copyright gives the creators of a wide range of material, such as literature, art, music, sound recordings, films and broadcasts, economic rights enabling them to control use of their material in a number of ways, such as by making copies, issuing copies to the public, performing in public, broadcasting and use on-line.

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[Coopyright]

- Most uses of copyright material therefore require permission from the copyright owner.
- There are exceptions to copyright, so that some minor uses may not infringe copyright. For instance: Fair use

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16

[Copyright]

- Copyright protection is automatic as soon as there is a record in any form of the material that has been created, and there is no official registration or form or fee.
- But creators can take certain steps to help prove that material is theirs.

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17

[Copyright]

- Copyright does not protect **ideas**, or such things as names or titles.
- Copyright also gives **moral rights** to be identified as the creator of certain kinds of material, and to object to distortion or mutilation of it.

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18

What are moral rights?

- Moral rights are granted to the authors of literary, dramatic, musical and artistic works and to film directors:
 - to be identified as the author of the work or director of the film in certain circumstances, e.g. when copies are issued to the public
 - to object to derogatory treatment of the work or film which amounts to a distortion or mutilation or is otherwise prejudicial to the honour or reputation of the author or director

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19

Property rights – by John Locke - Philosopher

- John Locke (1632-1704) developed a theory of Property rights:
 - The Second Treatise of Government
 - People have a right to property in their own person
 - Nobody has the right to the person of anybody else
 - People have the right to their own labour
 - People have the right to things they have removed for Nature through their own labour

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20

[Is there a natural right to intellectual property?]

- Locke: Physical objects
- Today: Ideas

[Fair use]

- It is legal to reproduce a copyright work in some circumstances:
 - Educational use
 - Use of non-fiction rather than fiction
 - Parts rather than whole chapters
 - Use of out-of-print material

DMCA - Digital Millennium Copyright Act

- is a United States copyright law which criminalizes production and dissemination of technology that can circumvent measures taken to protect copyright, not merely infringement of copyright itself, and heightens the penalties for copyright infringement on the Internet.



Electronic Frontier Foundation

Defending freedom in the digital world

DMCA - Digital Millennium Copyright Act

- the anti-circumvention provisions have been used to stifle a wide array of legitimate activities, rather than to stop copyright infringement.
- As a result, the DMCA has developed into a serious threat to several important public policy priorities
- <http://www.eff.org/>

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The DMCA Jeopardizes Fair Use

- DMCA grants to copyright owners the power to unilaterally eliminate the public's fair use rights.
- Already, the movie industry's use of encryption on DVDs has curtailed consumers' ability to make legitimate, personal-use copies of movies they have purchased.
- <http://www.eff.org/>

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26

FF: Homepage - Mozilla Firefox
 Edit View Go Bookmarks Tools Help
 http://www.eff.org

Electronic Frontier Foundation
 Defending Freedom in the Digital World

PROTECT YOUR RIGHTS
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What is EFF?
 EFF is a nonprofit group of passionate people — lawyers, technologists, volunteers, and activists — working to protect digital rights.

Current Hot Cases
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All Congress Now
 Stop the Surveillance Bills!

Stop The Corruptibles!

URGENT: Save Internet Fair Use



Stop the Section 115 Reform Act (S1RA)

Featured News
California Lawmakers Pass Safeguards for Privacy-Leaking RFID Chips
 The California State Senate passed tough new privacy safeguards late yesterday for use of "tag and track" devices known as Radio Frequency Identification (RFID) chips embedded in state identification cards. The bill helps ensure that Californians can control the personal information contained on their drivers' licenses, library cards and other important ID documents. The State Assembly passed the Identity Information Protection Act (Senate Bill 768), authored by Senator Joe Simitian (D-Palo Alto), earlier this month. Governor Schwarzenegger has until September 30 to sign the bill into law. The legislation is sponsored by the Electronic Frontier Foundation (EFF), the ACLU, and the Privacy Rights Clearinghouse, and it is supported by groups ranging from the AARP to the California Alliance Against Domestic Violence to the Gun Owners of California...
 Full story: For more on RFID, SB-768 fact sheet

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[EU]

- On May 22, 2001, the European Union passed the EU Copyright Directive or EUCD, similar in many ways to the DMCA.
- *Wikipedia*

[EU Copyright Directive - EUCD]

- In its final form, it includes only very narrow exceptions to anti-circumvention measures and exclusive rights.
- It is generally regarded as a victory for copyright-owning interests (publishing, film, music and major software companies) over copyright users' interests.

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29

[The DMCA Interferes with Computer Intrusion Laws]

- Further, the DMCA has been misused as a general-purpose prohibition on computer network access which, unlike most computer intrusion statutes, lacks any financial harm threshold.
- As a result, a disgruntled employer has used the DMCA against a former contractor for simply connecting to the company's computer system through a VPN.

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30

[World Intellectual Property Organization Copyright Treaty]

- provides additional protections for copyright deemed necessary due to advances in information technology
- It ensures that computer programs are protected as literary works in its fourth article, and that the arrangement and selection of material in databases is protected in its fifth.
- *Wikipedia*

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31

[Assignment: Presentation]

- Presentation of the digital copyright problem:
 - Laws and reactions world-wide.
- 2 students
- Presentation date: September 26th.

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32