

# **Staying Safe Online**

*Montpelier Senior Center*



# **Week 9**

# **Intellectual**

# **Property**

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<https://tinyurl.com/3b6p3h8s>

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## **Topics**

- IP law
- What's IP?
- Why Protect IP?
- Types of IP Protection
- US Constitutional Issues
- US Legal Process for IP Laws
- Expanding Scope
- Current Problems
- Excuses for Violation



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## Intellectual Property Law

- Several issues of interest
  - Copyright
  - Patents
  - Trademarks
  - Trade Secrets
  - Reverse Engineering
  - EULAs
- This lecture introduces the concepts and stimulates discussion of issues
- Following lectures look at details of law



"Apparently, they not only infringed on your copyright, they stuck out their tongues at it."

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## What is Intellectual Property?



- Intangible or intellectual assets
  - Novel production techniques
  - Better managerial methods
  - New / unique product features
  - Stylish brand images
- Results of unique creative processes
  - Paintings
  - Sculptures
  - Music
  - Writings (journalism, stories, novels, plays, letters....)
  - Photography

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## Why Protect Intellectual Property?\*

- Allow creators to benefit
- Promote creativity
- Everyone encouraged to be productive, creative
  - Society progresses
  - Nation progresses
  - Humanity progresses



\*With thanks to Karthik Raman, NU 2006

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## Types of IP Protection



- Patents
  - Granted by government agency
  - Provide ability to license ideas
- Copyrights
  - Allow protection against unauthorized copying
  - Permits negotiation of licenses
- Trade secrets
  - Undisclosed information or methods
- Trademarks
  - Protect unique identifiers of value

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## US Constitutional Issues

- Federal government authorized to regulate patents & copyrights
  - Article I, Section 8 of Constitution stipulates federal promotion of “progress of science and useful arts by securing for limited times to authors and inventors exclusive rights to their writings and discoveries
- Also grants control over interstate commerce
  - Interpreted to mean control over trademarks and trade secrets for such commerce
- Supremacy Clause overrides state laws

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## US Legal Process for IP Laws



- Federal process
  - Patent Act administered by Patent & Trademark Office (PTO)
    - ✓ In Dept of Commerce
    - ✓ Individual bureaucrat can accept or reject application
    - ✓ Can set precedent for future similar applications
  - Copyright & trademark admin by Copyright Office
    - ✓ In Library of Congress
- State regulations often conform to models
  - Uniform Trade Secrets Act
  - Uniform Commercial Code
  - Uniform Computer Information Transactions Act
  - Restatement of Torts

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## Expanding Scope of IP Protection

- Political pressures to extend length of protection
- New laws passed in 1990s, 2000s
  - Digital Millennium Copyright Act (DMCA) gives more rights to copyright owners
  - Trademark protection strengthened
  - Sound recordings more strongly protected
  - Copyright length extended
  - Criminal penalties for TM counterfeits increased
  - New laws for theft of trade secrets
  - New penalties even for IP theft without personal gain
  - New IP policy council for enforcement coordination

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## Some Current Problems with IP Law



- Copyright restrictions too long?
- Patents being used to suppress innovation
  - Purchased by competitors, then deep-sixed
  - Patent trolls extort money from victims using overly broad patents
- Artists (e.g., film-makers) limited in portrayal of reality by trademark/copyright owners
- Restrictions on use of entertainment limits teachers
- EULAs in shrink-wrapped/electronic software overly restrictive

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## Excuses for Violating IP Laws – to Analyze

1. Everyone's doing it.
2. We won't get caught.
3. It's the {software, music, gave, movie} fault: if they don't want theft, they should charge less.
4. But I need it and I don't want to pay for it.
5. It doesn't hurt anyone.
6. It only hurts a company – I wouldn't steal it from an individual.
7. No software/music/game/movie should ever be copyrighted--it should always be free.



See < [http://www.mekabay.com/ethics/seven\\_reasons.pdf](http://www.mekabay.com/ethics/seven_reasons.pdf) >

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## OK, STAY SAFE!



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