


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, game, 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 >

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OK, STAY SAFE!



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