

6. Intellectual Property Law

- Short overview
 - I am not a lawyer...
- Copyright, patents, trade secrets, trademarks
- Have you heard about recent issues?

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Copyright



- Creative works
- Until 70 years after creator's death
- Includes:
 - Novels, poetry, movies, plays, sheet music, recorded music, software, photographs, drawings
- Does not include:
 - Ideas, facts, algorithms, processes
- Creator has exclusive right to copy
 - Can be licensed or sold
 - Also: exclusive right to create derivative works
 - Does not have right to restrict resale ("first sale doctrine")
- Work for hire
 - Copyright belongs to employer
 - 95 years from publication or 120 from creation (shorter one)

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Fair Use

- Important exception to copyright
- Copyright does not apply to:
 - Copies of small portions for reviews
 - Copies for searching (like Google?)
 - not decided yet...
 - Copies of small portions for advertising
 - If copying is needed for news reporting
 - The one photograph of JFK being shot...
 - Parodies
 - Copies of small portions for educational and scientific purposes
 - Reverse engineering
 - not finally decided yet...
 - Copies for personal use (i.e., for one person)
- Vague, not well defined

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Copyright Law

- No registration or license necessary
 - Work is copyrighted as soon as created
- Can register copyright with Library of Congress for additional protection
 - Small fee
- © or “all rights reserved” considered useful
 - But not required
- Statutory damages
 - Up to \$150,000 per infringement
 - Courts have decided, for example: \$20,000 per copied CD
 - No actual damages need to have occurred!

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Criticism of Copyright

- Law developed in early 18th – early 20th centuries
 - Assumes large, expensive printing presses
 - Hard to apply to modern technology
 - Today: copying is cheap and can be done in less than a second
- Recent issues:
 - “Betamax decision” (video cassette recorders)
 - Filesharing
 - Tivo (digital TV recorder)
 - Digital Millennium Copyright Act (DMCA)
 - makes devices to circumvent copyright illegal
 - forces Web hosts to take down pages if copyright violation is suspected
- Statutory damages make copyright a very dangerous thing

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