



CSCI 240 Computers and Society

Intellectual Property

Definition

“**Intellectual property** is the unique product of the human intellect that has commercial value.”

Distinction

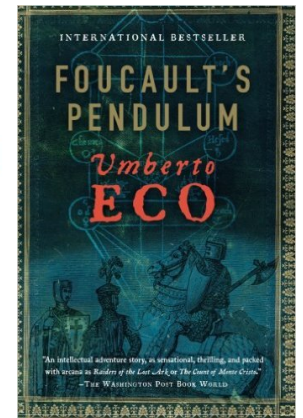
**Intellectual
property**

!=

**Physical
manifestation**

Distinction

Intellectual
property



Physical manifestations

John Locke (1632-1704)

Natural Rights to Property

- You have a right to property over your own person.
- You have a right to your labor. (*"My work, my gain."*)
- You have a right to things removed from nature through your labor.

How virtually unlimited resources are initially appropriated

Limited resources are left for appropriation

... Locke's theory is for the physical ...

**We want to talk about the
ownership of ideas**

Scenario A

- » You observe an event and turn into a play, or poem, or novel. You used the raw resources of language. Do you have the rights to who will perform or publish your product?

Scenario B

- » Someone else observes the same event and turns it into a similar product. Does this person have ownership of the product or do you?

Conflict

- » Two people worked independently from a common source and ended up creating the same product.

Who owns the rights?

Scenario C

- » Your work was publicly disseminated. A third person makes a copy of your work, creating a new instance of the product.

Who owns the rights?

The U.S. Constitution

Article I, Section 8

Congress has the power to “**promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.**”

http://www.archives.gov/exhibits/charters/constitution_transcript.html

Tension

Creators of
intellectual
property have
exclusive
rights to their
ideas



The need to
disseminate
the ideas as
broadly as
possible for
the benefit of
society

A Satisfying Solution:

Limited time

Distortions



<http://ahappybirthdaygcp.hol.es/gothic-happy-birthday.html>

Distortions



- Most popular song (English) in the world (1935)
- Publisher Clayton F. Summy, now Time Warner
- \$2 million/year in royalties
- Copyrighted until at least 2030 (Copyright Term Extension Act of 1998)
- Multiple problems with the extension, but no one has challenged Time Warner in court yet

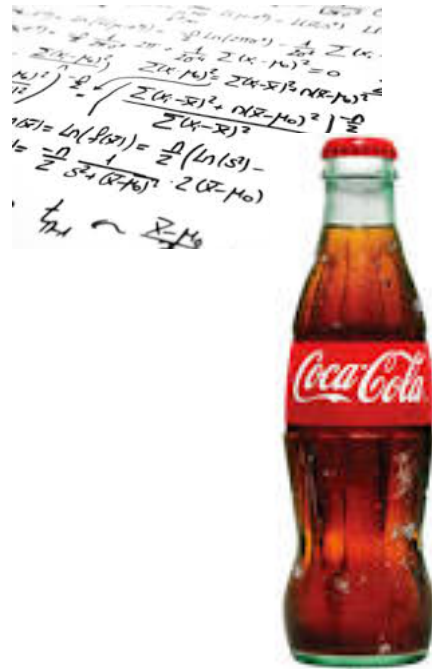
<http://ahappybirthdaygcp.hol.es/gothic-happy-birthday.html>

Protections



Trade Secret

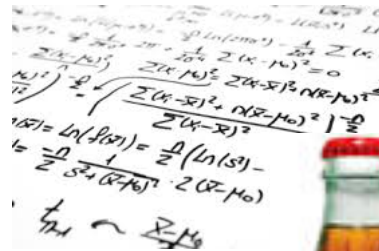
» “A confidential piece of intellectual property that provides a business with a competitive advantage.”



No expiration date

Trade Secret

» “A confidential piece of intellectual property that provides a business with a competitive advantage.”



Reverse engineering

Trademark

» “A trademark is a word, symbol, picture, sound or color used by a business to identify goods.”



Trademark



Patents

» “A patent is a way the US government provides an inventor with an exclusive right to a piece of intellectual property.”

public domain detailed description of the invention

allows owner to prevent others from making, using, or selling the invention

20 years

Copyright

» “A copyright is how the US government provides authors with certain rights to original works that they have written.”

1. Reproduce the work
2. Distribute copies to the public
3. Display copies in public
4. Perform the work in public
5. Produce new, derived works

Copyright Term Extension Act 1998

“Works created and published before January 1, 1978, are protected for 95 years.

Works created on or after January 1, 1978 are protected for the author's lifetime plus 70 years after the author's death.”

Fair Use

- » “Under some circumstances, called fair use, it is legal to reproduce a copyrighted work without the permission of the copyright holder.”

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short excerpts

teaching

scholarship

research

criticism

commentary

news reporting

Controversial Topics

- » Recording technologies
- » Time shifting; space shifting
- » Google Books
- » Digital Millennium Copyright Act (DMCA)
- » Digital Rights Management (DRM)
- » Amazon 1-Click Purchase
- » Microsoft Xbox One
- » JSTOR and Aaron Swartz