
The Internet and the Law

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Topics

- Intellectual Property
- Free Speech and the Internet
- Privacy

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Intellectual Property

- Ideas are not tangible like physical objects, but they are protected by intellectual property laws
- What examples can you think of?
- Three main areas:
 - Copyright
 - Trademark
 - Patent

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Copyright

- Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

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Copyright

- literary works;
- musical works, including any accompanying words;
- dramatic works, including any accompanying music;
- pantomimes and choreographic works; pictorial, graphic, and sculptural works;
- motion pictures and other audiovisual works;
- sound recordings; and
- architectural works.

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Copyright

- Based on the following, which are copyright?
 - Graphic images
 - Sound files
 - Text files
 - Email messages

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Copyright

- How do you register copyright?
- What does it mean to say that copyright law protects something?

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Fair use

- Fair use is a doctrine in United States copyright law that allows limited use of copyrighted material without requiring permission from the rights holders, such as use for scholarship or review.
- How is something determined to be fair use?

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Four Factors

- In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include
 - (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
 - (2) the nature of the copyrighted work;
 - (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 - (4) the effect of the use upon the potential market for or value of the copyrighted work.

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Complications of the Internet

- Copyright law establishes that once the expression of an idea is fixed, it becomes intellectual property.
- Technically, you are not supposed to copy an entire work without permission
- But, what happens when you view a web page?

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Facts

- Copying images or text from a website without referencing them is illegal
- It is legal to link to another web site or page, but it infringes on copyright to knowingly use another party's work to create the impression that it is your work

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DMCA

- Digital Millennium Copyright Act
- Passed in 1998
- Limited copyright infringement liability for ISPs and higher education institutions

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Trademark Law

- A logo, acronym, word, color scheme, combination of sounds, or anything else used to distinguish a product
- Can you think of examples?

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Complications of the Internet

- Declaring a statutory trademark on intellectual properties without having searched for conflicts
- Domain names and cybersquatting
 - PETA
 - Adam Curry and MTV
 - Candyland
- Typosquatting

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Free Speech

- How does free speech affect the Internet?
- Should there be censorship online?

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Privacy Law

- The right to privacy has been interpreted to mean that people have the right to be left alone, to be portrayed correctly in the news, and not to be commercially exploited

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Four Privacy Torts

- Public disclosure of embarrassing private facts
 - Intrusion
 - False light
 - Commercial appropriation
-
- What about information that you make publicly available about yourself?

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Your turn

1. http://en.wikipedia.org/wiki/Kelly_v._Arriba_Soft_Corporation
 2. http://en.wikipedia.org/wiki/Universal_v._Reimerdes
 3. Go online to find examples of cybersquatting and typosquatting
- In groups of three, discuss and read one of the above websites. Write down your conclusions on the topics.

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Activity

- Read the following articles:
- <http://www.collegegrad.com/press/myspace.shtml>
- <http://tech.yahoo.com/blogs/null/6813>
- From Googling your name, or looking at your Facebook or MySpace page, would anything worry an employer?
- How does technology limit how we share information today?

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Activity

- Discuss the above questions with your neighbors
- Individually, write up the answers to these questions on a professional looking web page. Include links as necessary to support your answers

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