



Cornell University
Library

Intellectual Property Overview

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Key themes

- **What is intellectual property**
 - Focus on copyright
- **When you can use it**
 - Is Google legal?
- **The danger DRM poses to your rights**



Intellectual Property

- **Copyright**
- **Patents**
- **Trademark**
- **Privacy**
- **Publicity**

“Property”



What works are eligible for copyright protection?

- **Original works of authorship**
 - Originates with an author
 - Minimum amount of creativity
 - Compilations
 - Expression only; not ideas or facts
- **Fixed in a tangible medium of expression**
- **Artwork, prints, sculpture, film, electronic media**
- **Copyright is separate from physical ownership**

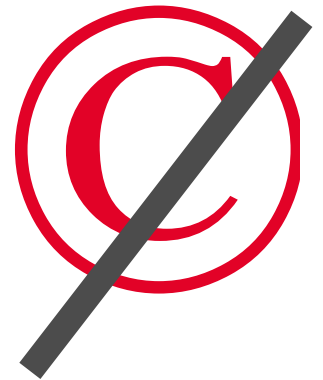


How does one secure copyright protection?

- **Automatic Protection**

- Since 1 March 1989

- **No requirement for notice or registration**



Who is the owner of the copyright?

- **Creator of the original work**
- **Work-for-hire**
 - Employers own your work
- **Student work?**
<http://www.research.cornell.edu/CRF/Policies/Copyright.html>
- **Assignment and transfer**



How long do copyrights last?

A long time....

- **Works created during or after 1978**
 - Life of the author plus 70 years
 - Work for hire: 95 years from publication
- **Works published before 1978**
 - Generally 95 years maximum
 - Shorter if the work was not registered/renewed
- **Works created but not published before 1978**
 - Life of the author plus 70 years
 - Delayed until 1 January 2003

See <http://www.copyright.cornell.edu>



What are the rights of the copyright owner?

The exclusive rights of:

- **Reproduction**
- **Distribution**
- **Derivative works**
- **Public performance and display**
- **Moral rights for art**
- **Technological protection systems**



Infringements...

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RIAA cracks down on Internet2 file swapping

Published: April 12, 2005, 10:16 AM PDT

By [John Borland](#)
Staff Writer, CNET News.com

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The Recording Industry Association of America said Tuesday it would file suit against students at 18 universities accused of trading files on the supercharged Internet2 network.

The suits, to be filed Wednesday, are the first to focus on the next-generation research network operated by universities. The i2Hub file-swapping service has operated for a year on campuses that are

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Exclusive Right are Limited

Include:

- **First sale**
- **Library photocopying**
- **Audio Home Recording**
- **Fair Use**



Fair Use

- **Judicially interpreted doctrine**
 - **no guidelines**
 - Purpose/transformation
 - Nature
 - Amount
 - Effect on market
- **Examples: time shifting, reverse engineering**



Google Sued by Agence France Presse for Copyright Infringement



March 22, 2005 10:17AM

The French news agency has brought the case in response to the Google News search page, which lists stories from media around the world. In a suit filed in the U.S. District Court for the District of Columbia, AFP asked for Google to stop linking to its subscription-only content from the free search page.

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[Google](#) is being sued for \$17.5 million by Agence France Presse (AFP) for posting copyrighted articles and photos, allegedly without paying royalties.

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Nude-photo site wins injunction against Google

By [Declan McCullagh](#)

Staff Writer, CNET News.com

Published: February 21, 2006, 2:40 PM PST

Last modified: February 21, 2006, 5:10 PM PST

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update A federal judge has ruled that portions of Google's popular image search feature, which displays small thumbnail versions of images found on other Web sites, likely violate U.S. copyright law.

U.S. District Judge A. Howard Matz ruled Friday that Perfect 10, an adult-oriented Web site featuring "beautiful natural women" in the nude, has shown that Google image search probably infringes copyright law "by creating and displaying thumbnail copies of its photographs."

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AAP Sues Google

by Jim Milliot, PW Daily -- 10/19/2005



Article

A little less than one month after the Author Guild filed a copyright infringement lawsuit against Google over its Library Project (*PW Daily*, Sept. 21), the Association of American Publishers has filed its own suit that charges Google with infringing the rights of authors and publishers.

The AAP, which is coordinating and funding the suit, filed the complaint on behalf of the McGraw-Hill Cos., Pearson Education, Penguin Group USA, Simon & Schuster and John Wiley. "The publishing industry is united behind this lawsuit against Google and united in the fight to defend their rights," said AAP president Pat Schroeder. "While authors and publishers know how

Alternatives to infringement suits

Sue the middleman:

2. Sony v. Betamax

3. Napster

4. Grokster case



Alternatives to infringement suits: technological & legal “fixes”

- **Technological protection measures**
 - Access & circumvention
- **Encryption**
- **Licensing**
 - Click-through, shrinkwrap licenses
- **Digital Rights Management**



The Dangers of DRM

- **Impedes technology**
 - Broadcast flag
- **Obliterates fair use**
- **Threatens preservation**
- **May not stop piracy**
 - Has CSS worked?



Alternatives

- **Use copyright/DRM systems to legally share**

- GNU public license

- Creative Commons

www.creativecommons.org



Conclusions

- **Most things are copyrighted**
- **Copyright owners have exclusive rights**
- **Users have some exemptions**
- **Maintaining the copyright balance between owners and users is a constant process**
- **You're in the middle – and you can define the rules and the systems.**

