

## Copyright Issues!

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## Which of these is wrong?

- Take a six pack of Mountain Dew without paying for it
- Photocopy a chapter in a book
- Borrow your friend's new Smashing Pumpkins CD and *burn* a new CD
- Buy a Smashing Pumpkins CD; copy to your hard drive and let people access it over the Internet

## Copyright vs. Patent

- Patent-  
legal protection for *physical* objects
- Copyright ©-  
legal protection for *intellectual property* (IP)

## Patents...

- Exclusive right to your invention for 20 years.
- Who benefits?
- Reasonable?
- Why protect?



## Copyright ©...

- Rights of intellectual property
- Authors have exclusive right to their works
- Personal works: lifetime + 70 Years
- Standard for originality--is low
  
- Benefits?
- Motivation?



## What kinds of things are “IP”

- A story or novel
- A song, the music and/or lyrics
- A dance
- A painting
- Performance art?



## Ideas, but ...

- In order for the idea to be **copyrightable**, it *MUST* be written down/put into *tangible form*
- On a page of sheet music
  - In manuscript
  - On a computer printer



## The “rights” of Copyright ©...

- Reproductive right -- to copy it
- Adaptive right -- to change it
- Distributive right
- Performance right
- Display right
- Attribution or Paternity right--“I wrote it”
- Integrity right--prevent others from altering your work

## When and what is Copyrighted?

- As soon as it is a tangible form
- Don't have to put a © on it!!
- March 1988 Law
  - Prior works must be explicitly copyright or forfeit copyright protection
- As soon as you create your “fancy” webpage, it's copyrighted

## Not everything is copyrightable:

- US Govt. works- except reference data
- Ideas -- must be written/tangible form
- Short works: titles, slogans, names, phrases; but they can be TRADEMARKED ®
- Works in the *public domain*
- Lost or forfeited copyright (before 1988)

## Public Domain...

- What is it?
- Work must be *explicitly* put into “public domain”
- Copyright forfeited- before 3/88 Law
- Once public, never can be ©
- There can be NO restrictions on use
- Free Software Foundation  
copyleft license

## Plagiarism...

- Copy and edit someone else's work and call it your own
- Literary theft
- Music: sampling

## How to explicitly © something...

- Use © or Copyright
- Date of first publication
- Name

## The Copyright Office...

- Why bother to register it?
- To sue for copyright infringement
- Can register after infringement but before filing the suit
- Statutory damages (\$100,000) + fees
- \$20 bucks to register + 2 copies of work
- Can't use "innocent infringement" plea:  
"Dude, I didn't know it was copyrighted"

## Fair Use principle

- Usually you must have the author's written consent in order to use their work
- But sometimes you can use a *bit* of someone's work without their permission
- That is called: **fair use**

## *Fair Use:* you can copy a portion to use:

- Review or critique- illustration or comment
- Technical work- clarification
- Parody
- Summary- news report
- Reproduction by a library to replace a damaged work
- Reproduction by student/teacher of a small part of a work to illustrate a lesson
- Reproduction in judicial proceedings
- Incidental reproduction--a picture of a painting while shooting a news story



## The 4 Tests for Fair Use:

- Purpose or character of the new work
- Nature of ©'d (original) work
  - Fact vs Fiction
- Amount of original work used
  - Percentage of new work?
  - Percentage of old work?
- Effect of use on value of original
  - Does the originator lose money?



## Computers vs Copyright

- It's easier to copy and alter
- Prose -- Text
- Music (*sampling*)
- Images -- Photoshop
  - Copy parts of pictures
  - Alter pictures



## Copyright in Cyberspace...

- If you put it on the Web, is it gone?
  - Do you lose your copyright?
  - *Everything* on the Web is copyrighted
- Web is multimedia--images, text, sound; this may give the illusion that the text is copyrighted but images are not



## How the web works

- When you view a web page with a browser, the page is actually on/in your computer! I.e., you've already copied it! Copyright violation? Probably not
- You right click on an image of Britney Spears on a web page, and then SaveAs to your hard disk. Copyright violation? Almost certainly

## Deep Linking ; Frames

- Hyper links --TicketMaster vs Microsoft
  - “**deep linking**” to a page other than home page creates a feeling that page is yours
- What about images used on my page... absolute links... looks like mine?
- XHTML <frame> tag... AskJeeves site?
  - Other sites' pages appear with AskJeeves banner

## Digital Millennium Copyright Act

- Online computer software
- Music
- Movies
- Written works
  
- Exempt: libraries and online services
- Penalty: \$1 million and 10 years in prison

## Some interesting cases:

- NY Times vs. National Writers Union
  - Publishers to pay writers for CDs of work
- Note taking services on the Web
- Too Live Crew vs Roy Orbison
  - Pretty woman -- parody
- Former Beatle George Harrison sued for “My Sweet Lord”

## Digital Watermarks

- Ways to identify copyrighted works
- Unique phrases
- Binary documents
  - i.e. RGB information
- Microsoft Serial ID# ... tattooed docs
  - Privacy invasion?



## Music

- Fair use - Home Audio Recording Act
- MP3  
Moving Pictures Experts Group V. 3
- mp3.com
- Napster



## Networks for Sharing (music)

- Napster was the first, but since every Napster user connected to Napster.com in order to find music files it was easy to shut down.
- Peer to Peer -- no central server/control
- Gnutella
- Aimster (now that Napster is dead)
- KaZaA



## *Peer to Peer Networks*

- Software programs that let you access MP3's on other people's personal computers
- Let's people access MP3s on your own computer
- What else does that software allow access to? KaZaA and Brilliant Digital Entertainment



## RIAA + DMCA = Trouble!

- Recording Industry Associates of America
- Uses DMCA to threaten ISPs on whose networks they find MP3 servers
- Now RIAA sues students who share MP3s; threatens \$150,000 per shared song!!!

