

# DesigningOpenInnovation.04

## Intellectual Property

Massimo Menichinelli  
massimo.menichinelli@aalto.fi  
@openp2pdesign  
<http://www.slideshare.net/openp2pdesign>

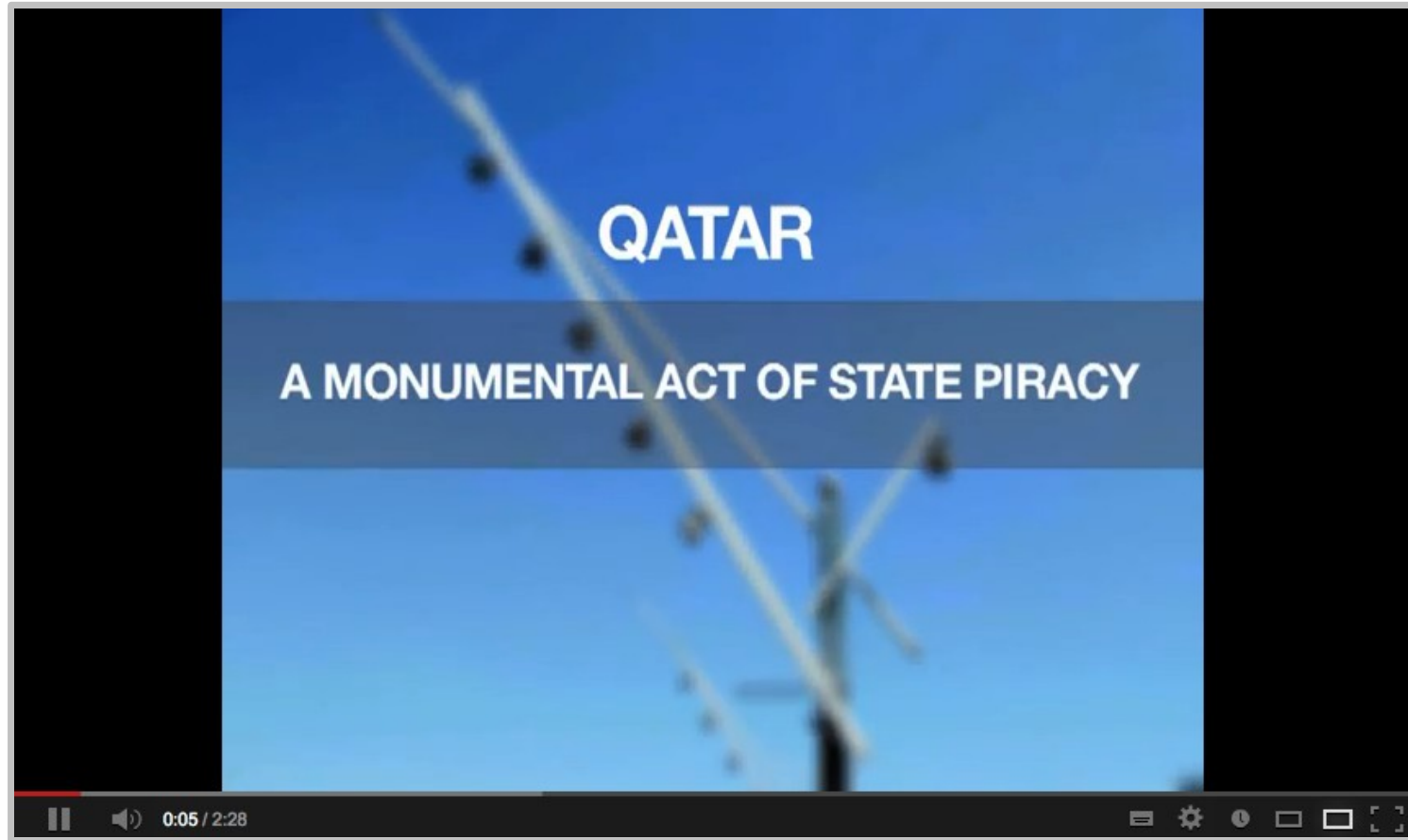


13.03.2013

# 01.

## Intellectual Property: different ways of protecting and distributing your work

# Design and Piracy



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Even design have to face piracy...

Source: [http://youtu.be/RB7X6uti-\\_0](http://youtu.be/RB7X6uti-_0)  
<http://www.qatarfakes.com/>

# Architectural design and Piracy



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Even architecture have to face piracy...

Source: <http://www.dezeen.com/2013/01/02/zaha-hadid-building-pirated-in-china/>

# Close to the Napster case of 3D Printing



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**UPOUUSIA TUOTTEITA**  
Täysi Tehtaan Takuu  Mac Book Air  
Myyty hintaan

**Browse Other > Physibles**

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Type	Name (Order by: Uploaded, Size, Uled by, SE, LE)	View: <b>Single</b> / Double	SE	LE
<b>Other (Physibles)</b>	<b>3D Hollow Diamond</b>    Uploaded 09-04 02:34, Size 119.76 KiB, Uled by garenthino		1	0
<b>Other (Physibles)</b>	<b>Screwless Cube Gears</b>    Uploaded 08-31 18:39, Size 7.51 MiB, Uled by garenthino		3	0
<b>Other (Physibles)</b>	<b>Enclosed Cable Chain with Calibrator</b>    Uploaded 08-31 15:46, Size 2.35 MiB, Uled by garenthino		2	0
<b>Other (Physibles)</b>	<b>Raspberry Pi Case with VESA mount</b>    Uploaded 08-30 18:00, Size 291.77 KiB, Uled by garenthino		3	0
<b>Other (Physibles)</b>	<b>120 Cell Hecatonicosachoron by George Hart</b>    Uploaded 08-30 17:37, Size 536.77 KiB, Uled by garenthino		2	0

There is a rising debate about 3D printing as the next possible source of piracy... so there could be even more laws and restrictions!

Source: <http://thepiratebay.se/browse/605>

# DRM and Design



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A group of designers have built a chair with a DRM system -- after being sat on eight times, it self-destructs.

Source: <http://www.wired.co.uk/news/archive/2013-03/03/drm-chair>




# DRM and Design


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The place where **breaking news**, BitTorrent and copyright collide


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## 3D Printer DRM Patent To Stop People Downloading a Car

 enigmax

 October 12, 2012

 226

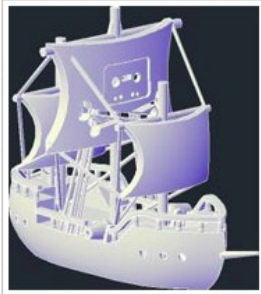
 3d printer, Physibles

 Print

DRM systems in the digital media world are nothing new and are utilized extensively in the music, movie and video games industries. Now, after applying four years ago, a company has this week obtained a patent for a DRM system that aims to stop future owners of 3D printers from printing whatever they like. The dream of downloading a new pair of sneakers or even a car might already be in jeopardy, before it's even begun.

During the last 20 years inkjet printers made an unholy mess of the short-run commercial print guy's business, enabling just about anyone to print on anything from paper to plastics with a relatively tiny outlay.

During the next 20 years the 3D printer will be the bogeyman affecting industries both far and wide and large and small, by giving the man in the street the ability to print physical objects as easily as he can print a family



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Digital Rights Management could be a strategy for  
“protecting” design...

Source: <https://torrentfreak.com/3d-printer-drm-patent-to-stop-people-downloading-a-car-121012/>

# Digital Fabrication and copying...

The screenshot shows the Sculpteo App website. At the top, there is a navigation bar with the Sculpteo logo and '3D Printing' in blue. Below the navigation bar, there are links for Home, Services, Materials, Support, Cloud Engine, App, and FAQ. A blue button labeled 'Upload a 3D file' is positioned on the right side of the navigation bar. The main content area features the text 'Sculpteo App' in large, bold, black letters, followed by '3D PRINT YOUR PERSONAL COLLECTION' in a slightly smaller, bold, black font. To the left of this text, there is a black box with a white smartphone icon and the text 'Available on the App Store'. Below this, there are two blue buttons: 'Download on the iPhone' and 'Download on the iPad'. In the center, there is an image of an iPhone displaying the app's interface, which shows a 3D model of a face and a green outline of the face. To the right of the iPhone, there is an image of an iPad displaying the app's interface, which shows a blue background with the text '3D PRINTING COLLABORATIVE DESIGN MAKER BY SCULPTEO.COM' and 'CREATE YOUR FIRST UNIQUE 3D PRINTED COLLECTION WITH TOP DESIGNERS.' Below the images of the iPhone and iPad, there is a line of text that reads 'Free on the iPhone, iPod touch and iPad. IOS 5.0 or later.'

But fabbing is only experiencing the same phenomena of design and manufacturing...

Source: <http://www.sculpteo.com/en/app/>



# Digital Fabrication and copying...

LIVING / POLTRONE E CHAISE-LONGUE / POLTRONE E POUF

## Santapouf di Campeggi

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**AZIENDA**  
**Campeggi**  
Vai al sito →  
altro da Campeggi →

**DESIGNER**  
  
Denis Santachiara →  
altro del designer →

**CONDIVIDI**  
[Stampa scheda](#) →  
[Invia ad un amico](#) →  
[Facebook](#) →

**SHOP ONLINE**  
Acquista su [made in design](#)

**SCHEDA PRODOTTO**

<b>Nome:</b>	Santapouf
<b>Categoria:</b>	Poltrone e Pouf
<b>Azienda:</b>	Campeggi
<b>Stile:</b>	Design
<b>Designer:</b>	Denis Santachiara
<b>Anno:</b>	2011
<b>Materiali:</b>	Poliuretano espanso, PVC, lycra

Arredo al confine tra arte e industrial design, Santapouf di Campeggi si ispira alla forma delle sculture a profilo continuo, sperimentate a partire dal Paleolitico. Tra le più conosciute sono quelle dello scultore fiorentino Giuseppe Bertelli, che le ha proposte nella modalità seriale: viste di profilo ricordano il profilo di un volto



But fabbing is only experiencing the same phenomena of design and manufacturing...

Source: <http://atcasa.corriere.it/catalogo/prodotti/Campeggi/Santapouf.shtml>

# Digital Fabrication and copying...



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But fabbing is only experiencing the same phenomena of design and manufacturing... So who copies who?

Source: <http://www.liveauctioneers.com/item/8263457>

# Digital Fabrication and copying... even the details



They were so eager to clone Arduino that they even copied the "MADE IN ITALY" (from ebay)

337 271 days ago

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But fabbing is only experiencing the same phenomena of design and manufacturing... even details are copied!

Source: <http://twitpic.com/7t9879>

# Fashion Design and copying... “piracy” ?



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Copying in Fashion Design is a common practice, because only the trademark is protected.. and that's how we they set trends!

Source: <http://www.refinedhype.com/hyped/entry/adidas-beachstar-sandal>

# Fashion Design and copying... “piracy” ?



Copying in Fashion Design is a common practice, because only the trademark is protected.. and that's how we they set trends!

Source: [http://www.adidas.fi/Men%27s-Duramo-Clog-Slides/G62583\\_640,fi\\_FI,pd.html](http://www.adidas.fi/Men%27s-Duramo-Clog-Slides/G62583_640,fi_FI,pd.html)

# Copyright ...

*Copyright essentially attaches to every original creative work that is fixed in a tangible medium. This includes most things that are written, drawn, or designed. However, the copyright only protects the actual writing, drawing, or design itself, not the idea that it expresses.*

Source: <http://www.publicknowledge.org/it-will-be-awesome-if-they-dont-screw-it-up>

Copyright =

- \* the right to copy (the rights to let or stop copying)
  - \* the author's rights (the rights to be credited)
-



# Patent ...

*Patent protection is not granted automatically. An inventor must apply for a patent on her invention at the Patent and Trademark Office (PTO). The invention must be new, useful, and non-obvious. In making the application, the inventor must disclose information that would allow others to practice the invention. Finally, patent protection is significantly shorter in duration than copyright protection.*

*Once an object has been patented, all copies, regardless of the copier's knowledge of the patent, infringe upon that patent. Simply stated, if you are using a 3D printer to reproduce a patented object, you are infringing on the patent.*

Source: <http://www.publicknowledge.org/it-will-be-awesome-if-they-dont-screw-it-up>

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# Copyright, Patent and originality ...

*In the world of copyright law, this intuition is correct. When a child in Seattle writes an ode to his pet dog, that work is protected by copyright. If, two years later, another child in Atlanta writes an identical ode to her pet dog (unaware of the first ode), the second work is also protected by copyright. This is possible because copyright allows for independent creation, even if the same work was independently created twice (or even more than twice). While a work must be original in order to receive copyright protection, the work does not need to be unique in the world.*

Source: <http://www.publicknowledge.org/it-will-be-awesome-if-they-dont-screw-it-up>

*However, and relevantly for reproducing 3D objects, patent law does have a novelty requirement. Patent law does not allow for parallel creation. Once an invention is patented every unauthorized reproduction of that invention is an infringement, whether the reproducer is aware of the original invention or not.*

Source: <http://www.publicknowledge.org/it-will-be-awesome-if-they-dont-screw-it-up>

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# Watch out when you enter this game...



A South Korean court ruled that both Apple and Samsung infringed on one another's intellectual property and owe each other damages.

Source: <http://www.wired.com/gadgetlab/2012/08/s-korea-court-rules-damages/>

# Trademark ...

*Trademark developed as a way to protect consumers, giving them confidence that a product marked with a manufacturer's symbol was actually made and backed by that manufacturer. As a result, trademark is not designed to protect intellectual property per se. Intellectual property protection is instead a side effect of needing to protect the integrity of the mark.*

Source: <http://www.publicknowledge.org/it-will-be-awesome-if-they-dont-screw-it-up>

*Because trademark protection is specifically geared towards preventing consumer confusion in the marketplace, trademark infringement is described in terms of “use in commerce.” Unlike patent or copyright, it is not copying a trademark that creates a trademark violation. Instead, it is using that trademark in commerce (thus potentially confusing a consumer as to the origin of the product) that results in a violation.*

Source: <http://www.publicknowledge.org/it-will-be-awesome-if-they-dont-screw-it-up>

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# Trade Dress

*Trademark protection can extend beyond a logo affixed to a product to include the design of the product itself. However, in order to extend protection to product design, courts have required that trade dress acquire a distinct association with a specific manufacturer. Acquiring this type of distinctiveness takes time, and must be proven by survey results or some other proof of association in the eyes of the general public. As a result most product designs, even unique designs intended “to render the product more useful or more appealing,” will not be protected as trade dress.*

Source: <http://www.publicknowledge.org/it-will-be-awesome-if-they-dont-screw-it-up>

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# Trade Dress, an example



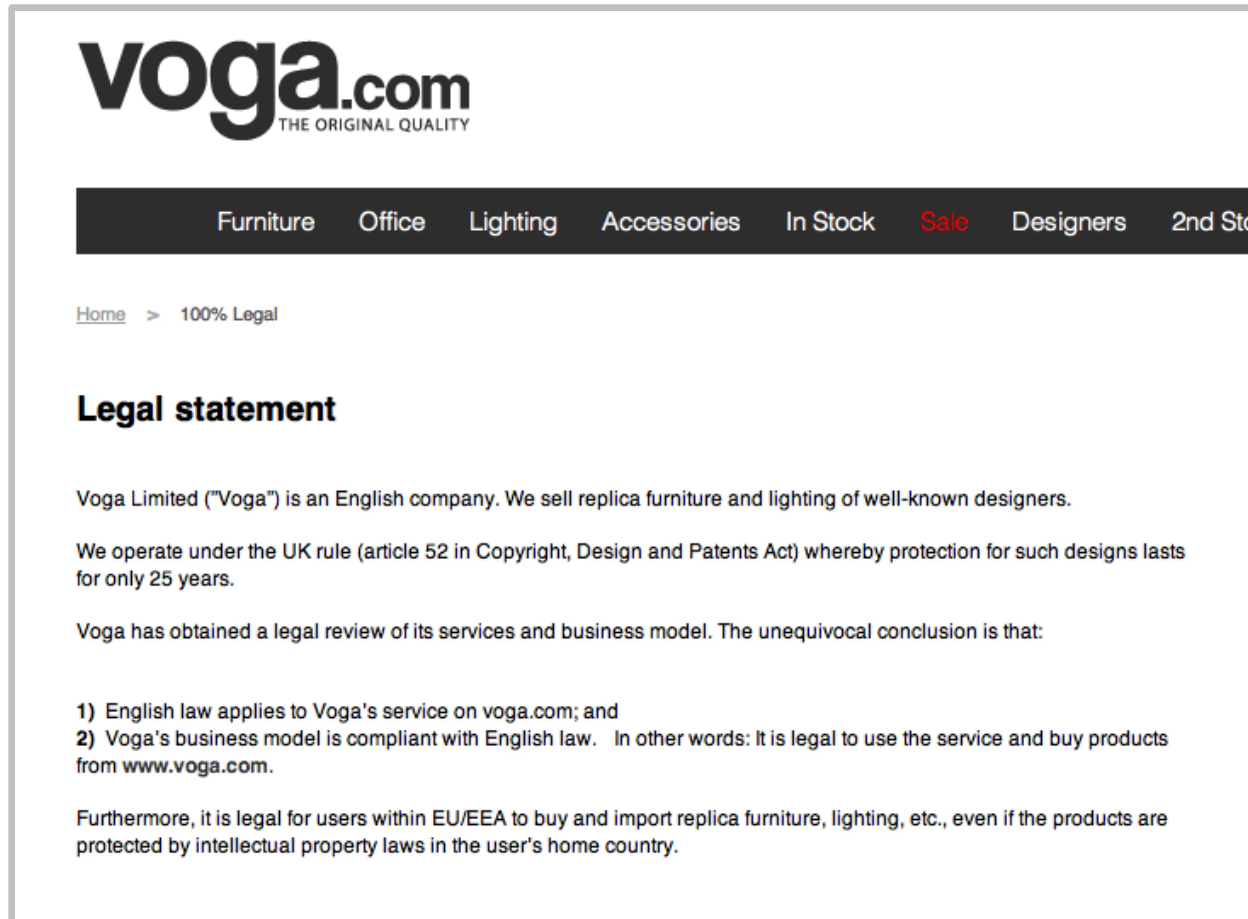
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A very recognizable shape...

Source: [http://en.wikipedia.org/wiki/Coca\\_cola](http://en.wikipedia.org/wiki/Coca_cola)



# Be careful: every country has its laws...



The screenshot shows the voga.com website. The logo at the top left reads "voga.com" in a large, bold, black font, with "THE ORIGINAL QUALITY" in a smaller font underneath. A dark navigation bar contains the following links: Furniture, Office, Lighting, Accessories, In Stock, Sale (highlighted in red), Designers, and 2nd Sto. Below the navigation bar, a breadcrumb trail shows "Home" followed by a right-pointing arrow and "100% Legal". The main heading is "Legal statement" in bold. The text below states: "Voga Limited ('Voga') is an English company. We sell replica furniture and lighting of well-known designers. We operate under the UK rule (article 52 in Copyright, Design and Patents Act) whereby protection for such designs lasts for only 25 years. Voga has obtained a legal review of its services and business model. The unequivocal conclusion is that:" followed by a numbered list: "1) English law applies to Voga's service on voga.com; and 2) Voga's business model is compliant with English law. In other words: It is legal to use the service and buy products from www.voga.com." The final paragraph states: "Furthermore, it is legal for users within EU/EEA to buy and import replica furniture, lighting, etc., even if the products are protected by intellectual property laws in the user's home country."

**voga.com**  
THE ORIGINAL QUALITY

Furniture Office Lighting Accessories In Stock **Sale** Designers 2nd Sto

[Home](#) > 100% Legal

## Legal statement

Voga Limited ("Voga") is an English company. We sell replica furniture and lighting of well-known designers.

We operate under the UK rule (article 52 in Copyright, Design and Patents Act) whereby protection for such designs lasts for only 25 years.

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- 2) Voga's business model is compliant with English law. In other words: It is legal to use the service and buy products from [www.voga.com](http://www.voga.com).

Furthermore, it is legal for users within EU/EEA to buy and import replica furniture, lighting, etc., even if the products are protected by intellectual property laws in the user's home country.

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In UK copyright only lasts 25 years after the creation ...

# Licensing your project ...

*The main benefit of product licensing is that you do not have all of the risk and headaches that necessarily come with running your own business. It is quite true that you could make a lot more money if you sold your own idea (if you did not screw things up at any number of places along the way).*

Source: [http://www.core77.com/blog/columns/product\\_licensing\\_in\\_an\\_era\\_of\\_open\\_innovation\\_22953.asp](http://www.core77.com/blog/columns/product_licensing_in_an_era_of_open_innovation_22953.asp)

*Young designers often gasp when hearing that a good royalty rate might be 5% of wholesale cost (around 2% of retail price)—"but it is MY idea!" Seasoned designers understand that a designed product (not to mention one that is not engineered, sourced, and fully developed and tested) is but a small part of the business equation.*

Source: [http://www.core77.com/blog/columns/product\\_licensing\\_101\\_so\\_lets\\_talk\\_money\\_23366.asp](http://www.core77.com/blog/columns/product_licensing_101_so_lets_talk_money_23366.asp)

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# Creative Commons: licensing the sharing



How to publish your content while at the same time enabling sharing and protecting your author rights.

Source: <http://creativecommons.org/>

# License: Review conditions



**Attribution:** Licensees may copy, distribute, display and perform the work and make derivative works based on it only if they give the author or licensor the credits in the manner specified by these.



**Non commercial:** Licensees may copy, distribute, display, and perform the work and make derivative works based on it only for noncommercial purposes.



**No Derivate Works:** Licensees may copy, distribute, display and perform only verbatim copies of the work, not derivative works based on it.



**Share alike:** Licensees may distribute derivative works only under a license identical to the license that governs the original work.

---

# License: Select license



Attribution



Attribution - ShareAlike



Attribution - No Derivatives



Attribution - Non-Commercial



Attribution - Non-Commercial - Share Alike

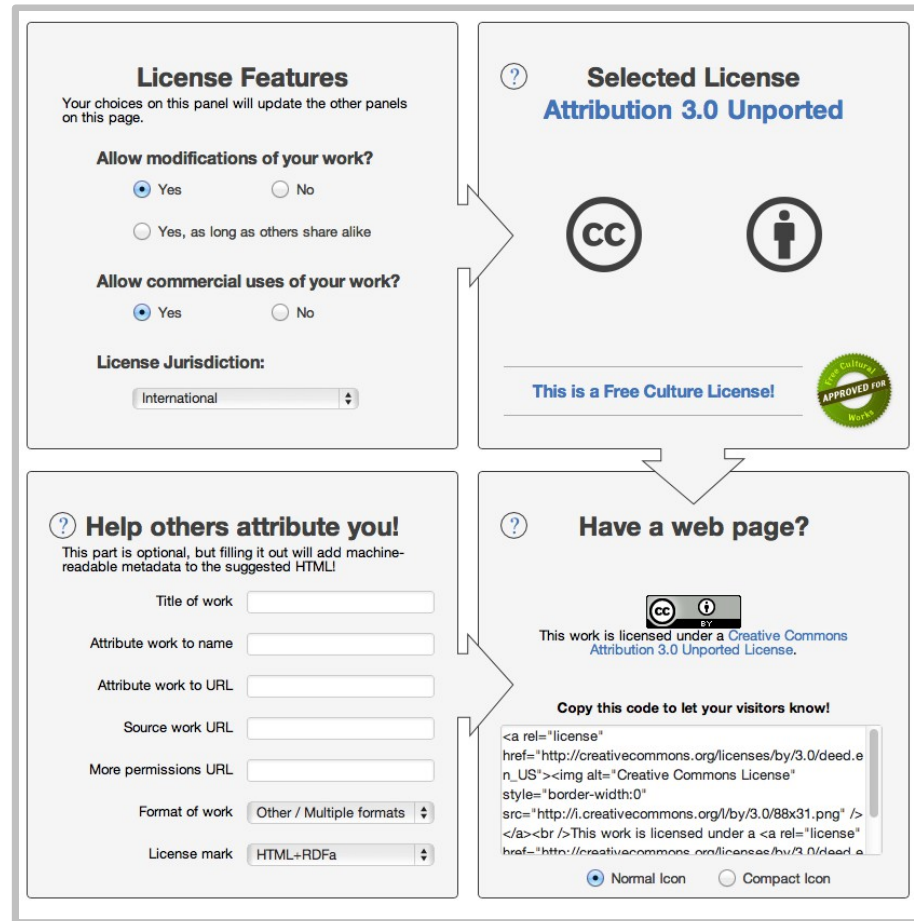


Attribution - Non-Commercial - No Derivatives

Most Free

Least Free

# Creative Commons: licensing the sharing



The image shows a Creative Commons license selection interface with four panels. The top-left panel, 'License Features', allows users to choose whether to allow modifications and commercial uses, and to select a jurisdiction. The top-right panel, 'Selected License', shows the chosen 'Attribution 3.0 Unported' license with its icons and a 'Free Culture License' badge. The bottom-left panel, 'Help others attribute you!', provides fields for work title, attribution name, URL, and source, along with options for format and license mark. The bottom-right panel, 'Have a web page?', shows a small license icon and provides the HTML code to embed the license on a website, with options for 'Normal Icon' or 'Compact Icon'.

**License Features**  
Your choices on this panel will update the other panels on this page.

**Allow modifications of your work?**

☒ Yes ☐ No

☐ Yes, as long as others share alike

**Allow commercial uses of your work?**

☒ Yes ☐ No

**License Jurisdiction:**

International

**Selected License**  
**Attribution 3.0 Unported**

**This is a Free Culture License!**

**Help others attribute you!**  
This part is optional, but filling it out will add machine-readable metadata to the suggested HTML!

Title of work

Attribute work to name

Attribute work to URL

Source work URL

More permissions URL

Format of work

License mark

**Have a web page?**

This work is licensed under a Creative Commons Attribution 3.0 Unported License.

**Copy this code to let your visitors know!**

```
<a rel="license"
href="http://creativecommons.org/licenses/by/3.0/deed.en_US">
</a><br />This work is licensed under a <a rel="license"
href="http://creativecommons.org/licenses/by/3.0/deed.en_US">
```

☒ Normal Icon ☐ Compact Icon

How to publish your content while at the same time enabling sharing and protecting your author rights.

Source: <http://creativecommons.org/>



## Everything is a Remix #01



Everything  
is a Remix

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BugLabs has been much more successful in  
offering completely open products.

Source: <http://vimeo.com/14912890>

## Everything is a Remix #02



Everything  
is a Remix

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BugLabs has been much more successful in  
offering completely open products.

Source: <http://vimeo.com/19447662>

## Everything is a Remix #03



Everything  
is a Remix

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BugLabs has been much more successful in  
offering completely open products.

Source: <http://vimeo.com/25380454>

## Everything is a Remix #04



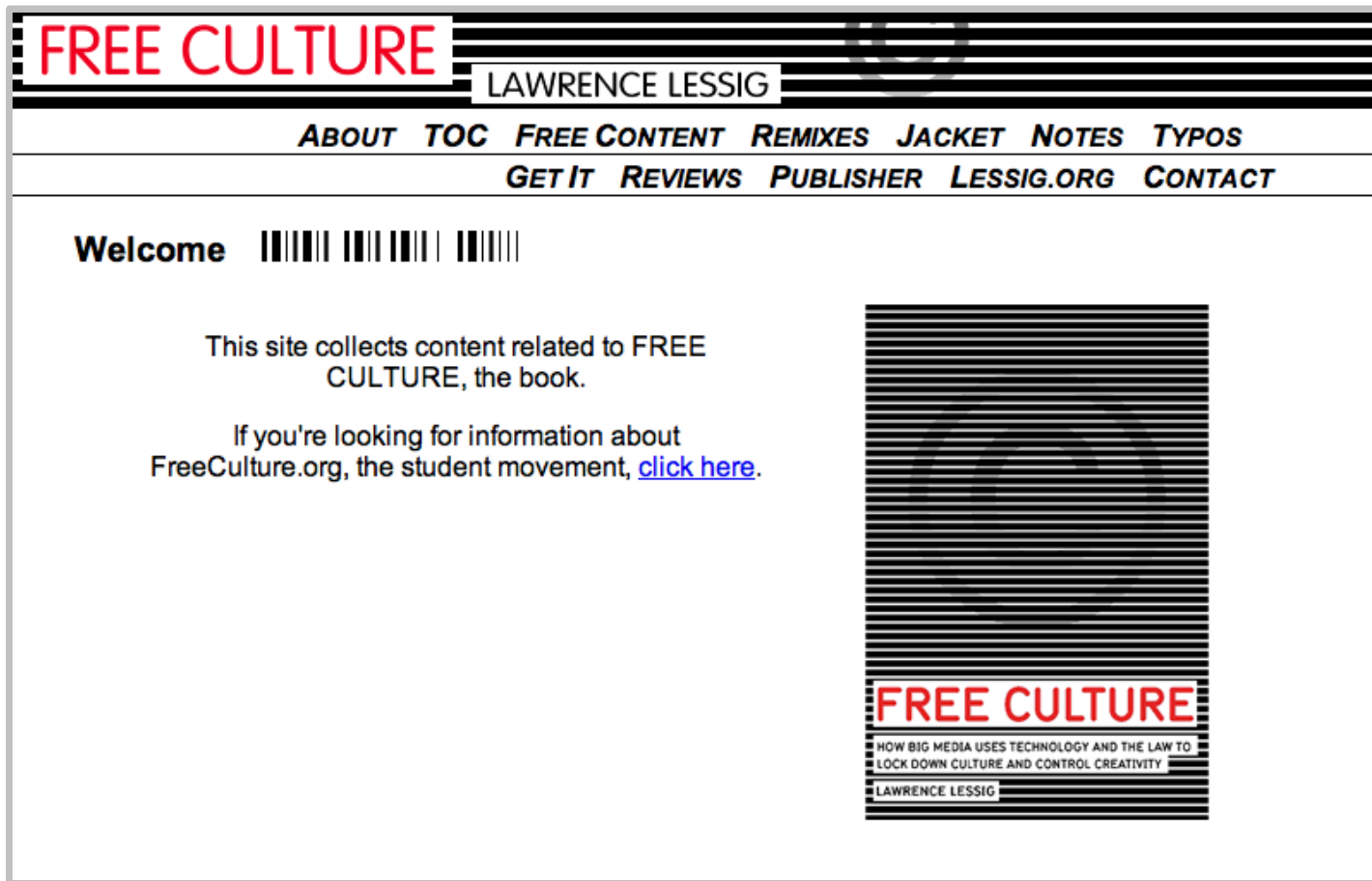
Everything  
is a Remix

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BugLabs has been much more successful in  
offering completely open products.

Source: <http://vimeo.com/36881035>

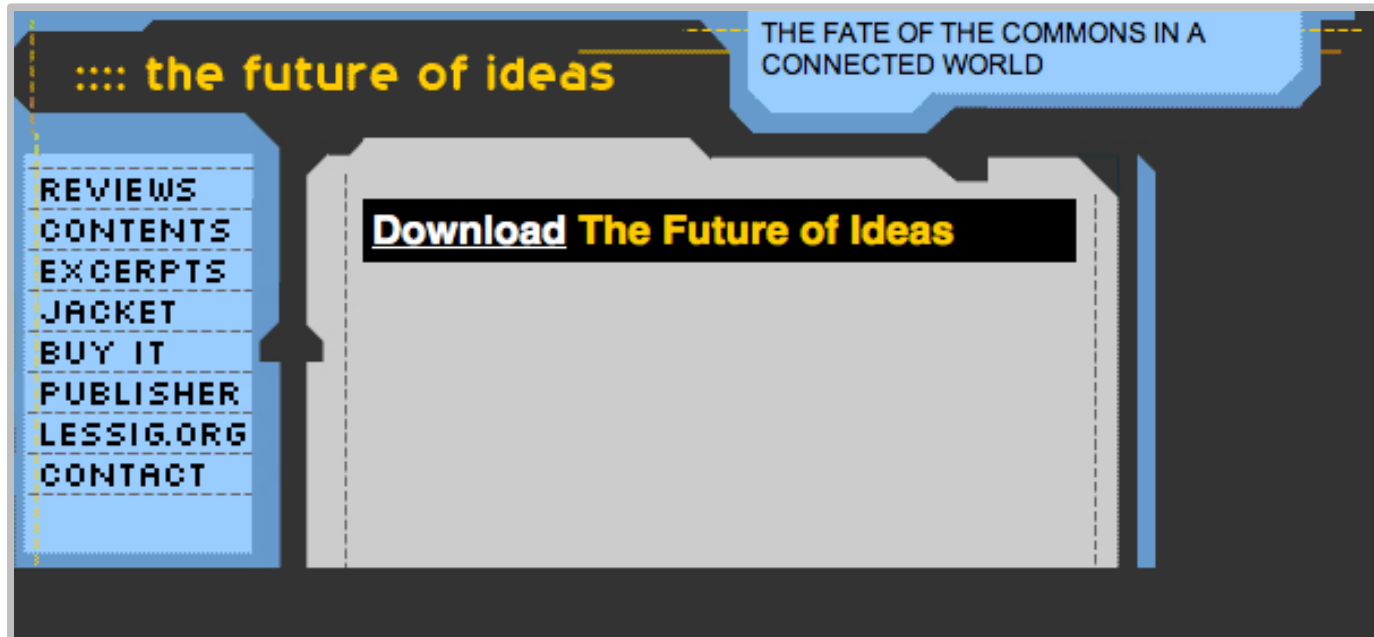
# For a further reading on the topic ...



An open and free book about Free Culture  
and Open Knowledge.

Source: <http://www.free-culture.cc/>

# For a further reading on the topic ...



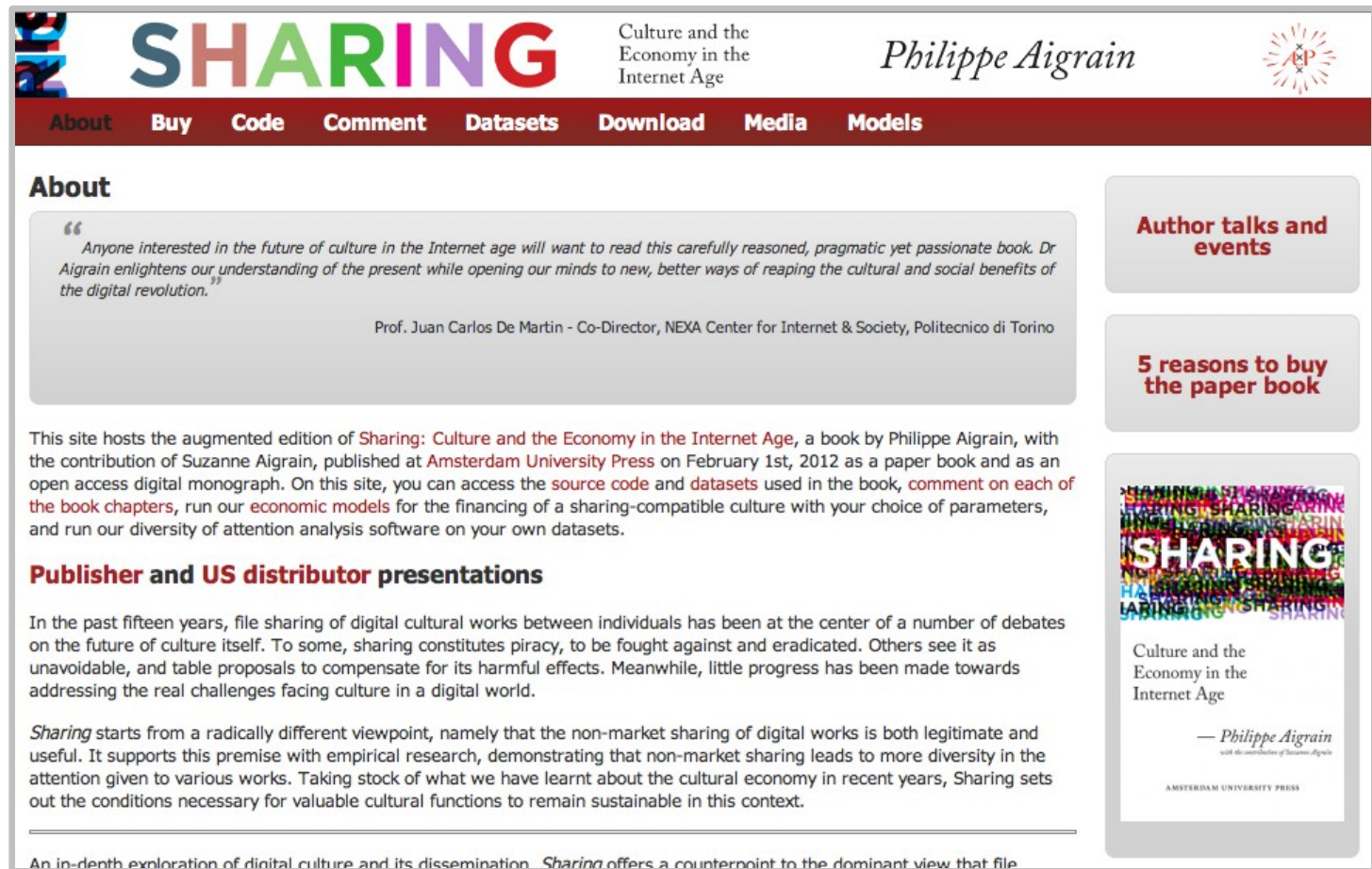
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An open and free book about Free Culture  
and Open Knowledge.

Source: <http://www.the-future-of-ideas.com/download/>



# For a further reading on the topic ...



The screenshot shows the homepage of the 'SHARING' website. The header features the 'SHARING' logo in large, colorful letters, followed by the subtitle 'Culture and the Economy in the Internet Age' and the author's name 'Philippe Aigrain'. A navigation bar includes links for 'About', 'Buy', 'Code', 'Comment', 'Datasets', 'Download', 'Media', and 'Models'. The main content area is titled 'About' and contains a quote from Prof. Juan Carlos De Martin. To the right, there are two call-to-action boxes: 'Author talks and events' and '5 reasons to buy the paper book'. Below the quote, there is a paragraph about the book's augmented edition and a section titled 'Publisher and US distributor presentations' with a detailed paragraph. On the right side, there is a book cover for 'SHARING: Culture and the Economy in the Internet Age' by Philippe Aigrain, published by Amsterdam University Press. At the bottom, a line of text reads: 'An in-depth exploration of digital culture and its dissemination. Sharing offers a counterpoint to the dominant view that file

**SHARING**

Culture and the Economy in the Internet Age

Philippe Aigrain

**About**

“ Anyone interested in the future of culture in the Internet age will want to read this carefully reasoned, pragmatic yet passionate book. Dr Aigrain enlightens our understanding of the present while opening our minds to new, better ways of reaping the cultural and social benefits of the digital revolution.”

Prof. Juan Carlos De Martin - Co-Director, NEXA Center for Internet & Society, Politecnico di Torino

This site hosts the augmented edition of *Sharing: Culture and the Economy in the Internet Age*, a book by Philippe Aigrain, with the contribution of Suzanne Aigrain, published at *Amsterdam University Press* on February 1st, 2012 as a paper book and as an open access digital monograph. On this site, you can access the *source code* and *datasets* used in the book, *comment on each of the book chapters*, run our *economic models* for the financing of a sharing-compatible culture with your choice of parameters, and run our diversity of attention analysis software on your own datasets.

**Publisher and US distributor presentations**

In the past fifteen years, file sharing of digital cultural works between individuals has been at the center of a number of debates on the future of culture itself. To some, sharing constitutes piracy, to be fought against and eradicated. Others see it as unavoidable, and table proposals to compensate for its harmful effects. Meanwhile, little progress has been made towards addressing the real challenges facing culture in a digital world.

*Sharing* starts from a radically different viewpoint, namely that the non-market sharing of digital works is both legitimate and useful. It supports this premise with empirical research, demonstrating that non-market sharing leads to more diversity in the attention given to various works. Taking stock of what we have learnt about the cultural economy in recent years, *Sharing* sets out the conditions necessary for valuable cultural functions to remain sustainable in this context.

Author talks and events

5 reasons to buy the paper book

SHARING: Culture and the Economy in the Internet Age

Philippe Aigrain

with the contribution of Suzanne Aigrain

AMSTERDAM UNIVERSITY PRESS

An in-depth exploration of digital culture and its dissemination. *Sharing* offers a counterpoint to the dominant view that file

An in-depth exploration of digital culture and its dissemination, *Sharing* offers a counterpoint to the dominant view that file sharing is piracy.

Source: <http://www.sharing-thebook.com/content/about>

# For a further watching on the topic ...



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An open and free documentary about  
intellectual property and remix.

Source: <http://ripremix.com/> [http://www.nfb.ca/film/rip\\_a\\_remix\\_manifesto/](http://www.nfb.ca/film/rip_a_remix_manifesto/)

02.

**Work for today:  
choose a Creative Commons license  
for your projects, and add it to the  
Readme.md file.**

02.

**Work for today:  
design your Activity, Storyboard and  
System Map**

# Thank you!!

Massimo Menichinelli  
massimo.menichinelli@aalto.fi  
@openp2pdesign  
<http://www.slideshare.net/openp2pdesign>



13.03.2013