



INTELLECTUAL PROPERTY RIGHTS, PRIVACY AND FREEDOM OF SPEECH

Lesson # 9

LECTURE OVER VIEW

- Concept of Virtual Property
- Trademarks
- Copyrights
- Patents
- Data Protection Laws

CONCEPT OF VIRTUAL PROPERTY

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Definition

- ❖ An emerging property form – virtual property – that is not intellectual property, but that more efficiently governs rivalrous, persistent, and interconnected online resources.
- ❖ Examples include URL, email address, IP address etc.
- ❖ Virtual property is govern through the law of intellectual property
 - ❖ **Rivalrousness**, in the physical world, lets the owner exclude other people from using owned objects We often desire the power to exclude in cyberspace too, and so we design that power into code. By design, we make code that can only be possessed by one person. Thus, rivalrousness exists also in code. If one person controls rivalrous code, nobody else does. For example, no one but the owner of an internet address (or those the owner permits) can post content to that address. If person A owns a given internet address, person B cannot put her website up at that address. If one person has a given email address, nobody else can receive mail at that same address



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- ❖ **Persistent:** For example, an email account can be accessed from a laptop, a desktop, or the local library. When an email account owner turns her laptop off, the information in that account does not cease to exist. It persists on the server of her Internet Service Provider.
- ❖ Objects in the real world are also naturally **interconnected**. Two people in the same room experience exactly the same objects. Objects in the real world can affect each other, by the laws of physics. Similarly, code can be made interconnected, so that although one person may control it, others may experience it. The value of a URL or an email address is not solely that the owner can control it; the value is that other people can connect to it, and can experience it. They may not be able to control it without the owner's permission, but – as with real estate in the real world – with the owner's invitation they may interact with it.
- ❖ Amazon as virtual property

TRADEMARKS

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Definition

- ❖ A symbol, word, or words legally registered or established by use as representing a company or product.
- ❖ In cyber world URL's are more like trademarks
- ❖ Provides the rights of the owner of a name, symbol, mark for protection to avoid consumer confusion. This applies specifically in the acquisition of domain names that are appropriate for a business' trademark. Trademark protection has typically resided at the nation state level, and the global nature of the internet has caused problems with the use of certain domain names. A secondary issue is the difference in countries with respect to "first to use" versus "first to file".



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- ❖ Consumer Protection Act, 15 U.S.C. § 1114, 1125(a) (2000)
- ❖ **Cybersquatting:** is the behavior of acquiring a domain name with the intention of reselling to a third party which has a higher perceived value for that name, or to exploit 'traffic' that domain name generates based on consumers' presumption of the purpose of the domain name.



COPYRIGHTS

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- ❖ Provision to own over a specific period of time
- ❖ Examples are books, music, research journals, website etc.
- ❖ License is description given by the owner on how to use the property
- ❖ Copy right protection
- ❖ Fair use Clause
- ❖ Expansion of Top Level Domains (TLD's)



PATENTS

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- ❖ A patent is a government authority or license conferring a right or title for a set period, especially the sole right to exclude others from making, using, or selling an invention
- ❖ Patent Right
- ❖ Patent Ordinance
- ❖ Patent Rules
- ❖ Patents Granted by IPO (Intellectual Property Organi
- ❖ Patents Expired



DATA PROTECTION LAWS

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- ❖ Data protection laws are to provide protection to electronic data with regard to the processing of electronic data
- ❖ Pakistan Data Protection Act 2005
- ❖ Advantages of Data Protection Act
- ❖ Disadvantages of Data Protection Act



References