# Copyright

The right to the results of intellectual activity in the industrial, scientific literary or artistic fields.

Computer software is covered under the literary section in the Directive on Legal Protection of Computer programs 1991

Rights of the copyright holder: Copy the work, issue copies, adapt, rent and display the work.

Ensures that they can benefit from the work financially and share it with other if so included (Open source)

## Copyright and related acts 2000-2007

Subject to this at the copyright owner may allow other parties to undertake acts reserved for the copyright holder and protects them as being the only one allowed to perform these acts

## Copyright infringement

When someone other than the copyright holder does something that only the copyright holder can do.

2 types: Primary where the rights of the copyright holder have been breached and secondary where their work is being traded. Both forms can incur civil damages with the latter brining criminal proceedings.

Perreir and Oroyan v Federal government: Xboxes -> Jail time

Cantor Fitzgerald V Tradition: Financial system

## Domain Names

ICANN Internet Corporation for Assigned Names and Numbers

Uniform Domain name dispute and resolution policy (UDRP) is the process for the resolution of disputed regarding domain names. MTV and McDonalds cases. Squatting. PETA was defamation.

Rightful owner, many trademarks. Telstra V Nuclear Marshmallow.

## Copyright Review Committee 2013

Establish specialist intellectual property tracks in the district and circuit courts focused on exception for innovation and fair use.

Reinforces the position of copyright holders with technology and rights management.

Implementing propositions form the EU state of the union 2016

Copyrights across borders, improvements for education, cultural (Marrakesh treaty), subscription services, YouTube content creators negotiating, content ID, TV dubbing funding, big data analysis in the cloud outside of parent country.

# Data protection

## Data protection acts 1988 and 2003

Irish framework allows for 8 principles

* Obtain and keep personal information fairly
* Notify user and keep it for lawful purposes
* Use only in ways compatible with these purposes
* Keep it safe
* Accurate and up to date
* All info relevant and not excessive for the means.
* Keep for no longer than necessary
* Give a copy to subject on request.

Additional protection to sensitive information (ethnic origin etc.)

Used in WW2 to racially target people. So, protection is needed.

## Data subject Rights

Right to be informed, establish existence of the data, Right to access your data, Have incorrect information removed, Right to compensation, Not have automated systems doing important shit, Right to be removed from mailing lists.

## Data Protection Commissioner

Enforces the principles. Independent of government.

Responsible for ensuring the people’s rights are respected when relating to personal information stored on computers. Assigned powers under the Data protections acts and under the Communications Regulations 2011.

Complaint registered, investigate, appoint someone to inspect premises, require them to provide the information.

If a breach is found the DPS first seeks amicable resolution but failing that may force them to comply under **Electronic Communications Regulations 2001**

## Costeja case

Right to be forgotten. House auction. Judicial Precedent 2014. Started google right to be forgotten.

Savage Dublin man, hated gays. Not removed by Google.

## Transfer of data outside EU

Section 11 Data Protection Acts 1988 2003 state that conditions must be met before personal data may be transferred outside of the EU. If they do not, the Data controller must ensure the transfer is legal via other means. The DPC has the right to prevent it.

## Edward Snowdon case

Max Schrems brought the issues brought up by Snowdon to the Irish DPC. As Facebook and other companies were transferring data to US without permission. Protected under Safe Harbour which says that non EU companies can self-certify. Went to CJEU as it was EU law issue. Safe harbour abolished 2015 insufficient to protect data. Transfer to US not prohibited.

## EU is driving Data protection laws in member states

The EU General Data Protection Regulations entered for May 2016 and will apply from May 2018. Aims to make businesses more accountable for data privacy compliance and offer citizens more control over their personal data.

Any organisation processing EU data is required to comply with EUGDP regulations.

Irelands Data protection act 1988 and 2003 must be amended or replaced.

# Privacy

Tech Challenges: Data is everywhere. Innovations enabling previously unimagines forms of collecting and storing data.

IP addresses, images, CCTV, credit card , Information stored and valuable, can be sold.

The right to privacy has evolved to encapsulate protection of personal data

Privacy of Person(bodily), Behaviours (personal space) and communications (interception)

Privacy is our right to home property thoughts and identity. It gives us the right to choose what parts of our domain can be accessed by other people.

The Irish constitution does not explicitly guarantee the right to privacy but the courts have recognised the right to privacy as one of the personal rights in the constitution.

Data Protection Act 1988 and 2003

EU Privacy directive 2002

The ePrivacy Regulations 2011 address protection for phone, email and internet use and give effect to the ePrivacy Directive 2002.

EU Data Protection Directive

Eu convention of Human rights as been brought into force in Ireland with the adoption of the Human Rights act 2003

Eu convention of human rights states that everyone has the right to respect for their privacy and family life, their home and correspondence. There shall be no interference by a public authority.

Kennedy and Arnold V Ireland 1987: Minister for Justice tapped journalist’s phones. Journalists brought proceedings as it breached their privacy. Ruling in favour of the defendants for damages and a breach of constitutional rights.

## Social Media

Using social media requires you to give up some privacy to gain benefits. Facebook vulnerability in 2015

## Cybercrime

TJ McIntyre only relevant article in last 15 years on cybercrime, very critical. Hacking criminal damage.

Criminal Damages act 1991

Criminal Justice act 2011.