ASSINGMENT 2

1]Cyber space and its historical perspective.

* **cyberspace**, amorphouS, supposedly “virtual” world created by links between computers Internet-enabled devices, servers, routers, and other components of the Internet’s infrastructure.
* As opposed to the Internet itself, however, cyberspace is the place produced by these links.
* It exists, in the perspective of some, apart from any particular nation-state. The term cyberspace was first used by the American-Canadian author William Gibson in 1982 in a story published in Omni magazine and then in his book Neuromancer.
* In this science-fiction novel, Gibson described cyberspace as the creation of a computer network in a world filled with artificially intelligent beings.
* In the popular culture of the 1990s, cyberspace as a term was taken to describe the “location” in which people interacted with each other while using the Internet.
* This is the place in which online games  occur, the land of chat rooms, and the home of instant-messaging conversations.
* In this sense, the location of the games or the chat room itself can be said to “exist” in cyberspace.
* Cyberspace has also become an important location for social and political discussion, with the popular emergence in the late 20th and the early 21st century of Web-based discussion boards and blogs.
* Blogs are typically produced by individuals who include their personal writing and often offer running commentary and links to other locations on the Web they deem of interest.
* With the emergence of blogging software, even those people unfamiliar with software programming for the Web can create their own blog. Thus, blogs can be seen as offering an opportunity for public discussion in cyberspace that is not available in the off-line world.

2]Deception by squatting in cyberspace.

* Cybersquatting is the practice of registering an Internet domain name that is likely to be wanted by another person, business, or organization in the hope that it can be sold to them for a profit.
* It involves the registration of trademarks and trade names as domain names by third parties, who do not possess rights in such names.
* Simply put, cybersquatters (or bad faith imitators) register trade-marks, trade names, business names and so on, belonging to third parties with the common motive of trading on the reputation and goodwill of such third parties by either confusing customers or potential customers, and at times, to even sell the domain name to the rightful owner at a profit.
* Example: A cybersquatter could buy Heinz.com if the company hadn't created a website yet, looking to sell the domain to Heinz at a later date for profit, or use the domain name to attract traffic and generate money through advertising.
* Cybersquatting is a form of cyberspace domain name trademark infringement. In a nutshell, Cyber-squatters registered trademarks as domain names, typically selling the names back to the registered trademark owners at a profit.

* If the domain registrant is found guilty of cybersquatting, the court can order the forfeiture, cancelation, or transfer (to the complainant) of the domain in dispute

3]Protection of copyright or cyberspace

* The growth of Information Technology has led to proliferation of e-businesses   due to its cost effectiveness, accessibility, convenience and vast user base.
* The global nature of internet  has provided immense visibility to start up enterprises and medium size businesses on the internet to efficaciously  showcase its products and services .
* The touchscreen age today knows very well the importance of software, multimedia, trademarks, artwork and icons.
* Mobile phones have become smartphones and computers are now tablets, diminishing the utility differences in the two gadgets  as a precursor to converging technologies.
* While the digital age  has its multiple advantages, the flipside is that the ease of availability of information online  and ease of duplicating it  alongwith anonymity   pose a continuous threat to the protection of Intellectual property rights including copyrights on the internet.
* Intellectual property infringements in cyberspace may comprise of any unauthorised  use or copying of trademarks, service marks protected by (Trademark Act, 1999), or  original music , films, art work, software ,multimedia or literary matter ( protected by the Copyright Act, 1957).
* The unique matrix of the cyberspace has produced different categories of infringements including Deep linking, Framing,  piracy of music, software, video, other Digital Copyrights infringements.
* There are  international bodies such as WIPO that have made important initiatives to bring harmonization in copyright regimes across various jurisdictions.
* One important treaty is the WIPO copyright treaty which entered force on 6th march 2002. Although India is not a signatory to the Treaty ,India  is a party to the Berne Convention that protects copyrights in various works across many countries that are its member signatories.
* Also,WTO  initiatives led to creation of  the TRIPS Agreement , another instrument that has made several strides in protection of copyrights apart from other forms of intellectual  property rights . India is a signatory of the TRIPS Agreement.

4]Infringement of copyright on cyberspace.

* Where copyright is infringed, owner of copyright is entitled to sue for remedies including injunction, damages, profit of accounts and delivery up of infringing goods.
* Section 51 states copyright in a work is considered infringed when  a person without a license from owner or registrar of copyrights or contravening conditions of a license does anything the exclusive right to do
* which is the right of the owner as per the Act or permits for profit a place to be used for communication of work to public where such communication constitutes infringement of copyright in the work unless he was not aware and had no reasonable ground to believe such communication will be infringement of copyright.
* It also amounts to an infringement where a person makes for sale or hire  or displays or offers for sale , or distributes for trade  or to prejudicially affect the owner of copyright or by way of trade exhibit in public or import into India infringing copies of work.
* As registration is not compulsory , suits for infringement can be filed evenm if plaintiff has secured no registration of the work.
* Civil remedies available to owner of copyright are also available to exclusive licensee.
* Electronic contracts are considered legally valid in most jurisdictions such as India and electronic licensing or assignment is also legally valid.

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