

# Privacy and IPR

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# 1 Lecture 5

## 1.1 Copyright law: First Sale Doctrine

- codified at 17 U.S.C. § 109, provides that an individual who knowingly purchases a copy of a copyrighted work from the copyright holder receives the right to sell, display or otherwise dispose of that particular copy, notwithstanding the interests of the copyright owner
- Example: Alice in Wonderland - Adobe
- Digital Right : you might have control of the sold intellectual work
- Exclusive right doesn't cover copies of the work
- Ownership of the medium
- In the digital world it is more difficult to express what we mean by ownership of the medium

**Council Directive of 14 May 1991 on the legal protection of computer programs, art. 4 c):** The first sale in the Community of a copy of a program by the right holder or with his consent shall exhaust the distribution right within the Community of that copy, with the exception of the right to control further rental of the program or a copy thereof

## 1.2 Copyright Law: Duration

- Statute of Anne - 1710: 14 years (plus 14)
- U.S. Copyright Act 1790: 14 years
- Berne Convention art. 7: author's life plus 50
- Council Directive of 29 October 1993 harmonizing the term of protection of copyright and certain related rights: author's life plus 70 years
- Sonny Bono Copyright Extension Act of 1998: author's life and 70 years
- harmonizing of copyright duration between the U.S. and EU
- The Digital Millennium Copyright Act is a 1998 United States copyright law that implements two 1996 treaties of the World Intellectual Property Organization. It criminalizes production and dissemination of technology, devices, or services intended to circumvent measures that control access to copyrighted works
- L.Lessig
- See Eldred vs. Ashcroft

### **1.3 Computer Science**

- originally an academic discipline (publications, knowledge sharing, etc...)

### **1.4 The Computer Industry**

- 1952: First computer sold by IBM
- 1955: IBM creates the SHARE user group for its 704 Data Processing System
- Members of the SHARE user group were competitors in their respective markets (for instance Lockheed and Boeing)
- 1957: FORTRAN programming language
- 1959: Cobol programming language
- 60s