

Privacy and IPR

2019-10-9

1 Lecture 3

1.1 Intro

- Growth of intellectual property after the 60s
- Legal institutions are involved with intellectual property
- Copyright, Patents, Trademarks
- Copyright and Patents are very different
- Trademark: protection of consumers and the producers' rights
- Inclusive right is what connects these institutions but apart from that they have many differences
- Trademark - Domain names
- Although in trademark more than one company can use the same name as long as they don't share the same market in domains that can't happen

1.2

- Intellectual property involved with products can also be called industrial property
- e.g. software patents

1.3 Copyright

- We think of it as the authors right
- The statute of Anne (1710): the first statute to provide for copyright regulated by the government and courts, rather than by private parties
- U.S. Constitution - Copyright Act (1790): modeled off Britain's Statute of Anne, the new law is relatively limited in scope, protecting books, maps, and charts for only 14 years with a renewal period of another 14 years
- There is a contradiction between the exclusive right of the owner and the public interest, so we set limitation to that right

1.4 Origins of Copyright

- The stationer's copyright: The Stationer's Register was a record book that allowed publishers to document their right to produce a particular printed work, and constituted an early form of copyright law.

- The Charter of the stationers' company: was formed in 1403; it received a royal charter in 1557. It held a monopoly over the publishing industry and was officially responsible for setting and enforcing regulations until the enactment of the Statute of Anne, also known as the Copyright Act of 1710
- The private association had the power to manage and regulate the profession and had the right to add newcomers
- The association was recognised by the kings and queens by giving them a charter
- According to Patterson: the stationers created their copyright, shaped it to their ends, and its kept control for themselves
- Registration of the book's titles (mandatory since 1662 with the licensing act), perpetual monopoly, policies to avoid competition
- Authors: someone who create original ideas

1.5 End of Stationer's Copyright

- Enlightenment
- Growing consensus against monopolies and the problem of public domain: Locke's critique brought down the stationers' copyright
- Comedy : use of comments to explain the context
- The commentators' work was not recognised or appreciated

1.6 The Statute of Anne

- The publishers had adopted a negative image so the protection of the authors' rights was required
- It was basically a compromise so that the stationers' copyright didn't lose all their power
- Creation of a public domain of literary works

1.7 Public Domain

- The state of belonging or being available to the public as a whole, especially through not being subject to copyright or other legal restrictions
- Public Resource
- No one has the inclusive right on it
- Everyone had the right to take form it

- When the exclusive rights had expired , the intellectual work belonged to the public
- The stationers didn't like that
- The book is only protected for a limited time