IT Ethics

Intellectual Property

H. Turgut Uyar

2004-2015

License

Topics

Property

- defined over relationships instead of objects

  If person X owns the object Y, then X can control other people's relationships with Y.

- easier to understand if talking about tangible objects

Intellectual Property

- creative works: works of art
- literature, music, movies, paintings
- computer programs
- functional works: inventions
- not exclusive: taking it doesn't prevent the owner from using it
- (digital formats) not a limited resource: easily reproducible

Intellectual Property

- what rights to give to the owner?
- not the same as owning a physical property
- hampers competition and progress
- not preferred to give property rights to ideas
- encourage producers to expose their ideas
- making the idea public property after the owner receives financial gains

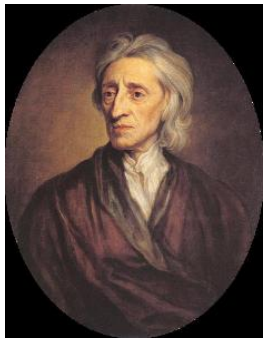
Expression

- property for the expression of an idea
- creative ideas have to be "fixed" on a tangible medium
- book, music CD, ...
- copyright
- functional ideas have to be implemented in a concrete manner
- machine
- patent

Trade Secret

- formula, process, design, client list, ...
- advantage in competition
- must have measures to keep it secret: non-disclosure agreements
- no expiration, no need to publish
- if exposed, no longer a secret
- reverse engineering allowed

Labor Theory



John Locke (17th century)

labor theory

a person acquires a natural right
of ownership in something
by mixing his or her labor with it

- "natural right"
- not take more than needed

Utilitarian Theory

utilitarian theory

it is beneficial for the society to allow intellectual property

- if people can earn money from their ideas
  they will make them available to the public

Personality Theory

Hegel (19th century)

personality theory

an intellectual work is an extension
of its creator's personality

- its creator should be able
  to control how it's used

Software Property

- why is it wrong to copy software against its license?
- according to labor theory
- according to utilitarian theory
- according to personality theory
- according to social contract theory

Copyright

- copyright is granted to the expression of an idea
- software: algorithm is the idea, program is the expression
- it has to be original
- it has to be non-functional
- it has to be fixed on a medium
- it is possible that different people independently come up with the same expression

Extent of Copyright

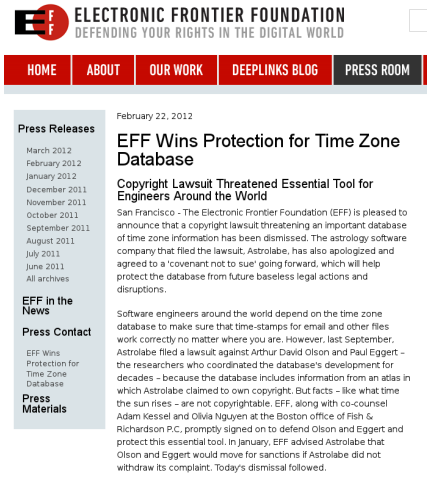
- copying
- distributing
- deriving new works (for example translations, movie adaptations)
- performing (for example theater plays)
- exhibiting (for example paintings)

Example: Copyright of an e-mail message

- an e-mail message is forwarded to a mailing list without the approval of its author
- its author sues for copyright infringement
- the court decides that the message is not a creative work (2011)

`http://www.theregister.co.uk/2011/04/12/email_not_creative_enough_for_copyright_protection/`

Example: Time zone database



- part of the time zone database used on some computers is based on the atlas prepared by Astrolabe
- Astrolabe sues to prevent the use of the database
- then retracts its case (2012)
- no copyright on historical facts

`https://www.eff.org/press/releases/eff-wins-protection-time-zone-database`

Example: Blizzard vs MDY


BBC NEWS — ONE-MINUTE WORLD NEWS

Legal battle over Warcraft 'bot'

The makers of World of Warcraft are locked in a legal battle with a firm that has produced a tool to automate many actions in the virtual world.

Blizzard is suing Michael Donnelly, the creator of the MMO Glider program, which performs key tasks in the game automatically, such as fighting.

Both sides have submitted legal summaries to a court in Arizona.

Blizzard says Glide is a software bot which infringes the company's copyright and potentially damages the game.

In its legal submission to the court last week, the firm said: "Blizzard's designs expectations are frustrated, and resources are allocated unevenly, when bots are introduced into the WoW universe, because bots spend far more time in-game than an ordinary player would and consume resources the entire time."

'Infringed agreement'

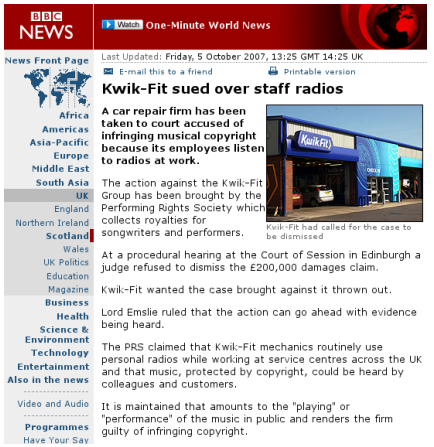
Blizzard argued that Michael Donnelly's tool also infringed the End User License Agreement that all parties have to adhere to when playing the game.

Combat forms a core part of the game play

- MDY sells a "bot" for the game World of Warcraft by Blizzard
- Blizzard sues: "program copied to memory"
- court agrees with Blizzard (2008)

http://news.bbc.co.uk/2/hi/technology/7314353.stm
http://virtuallyblind.com/category/lawsuits/mdy-v-blizzard/

Example: PRS vs Kwik-Fit


BBC NEWS — One-Minute World News

Last Updated: Friday, 5 October 2007, 13:25 GMT 14:25 UK

Kwik-Fit sued over staff radios

A car repair firm has been taken to court accused of infringing musical copyright because its employees listen to radios at work.

The action against the Kwik-Fit Group has been brought by the Performing Rights Society which collects royalties for songwriters and performers.

Kwik-Fit had called for the case to be dismissed

At a procedural hearing at the Court of Session in Edinburgh a judge refused to dismiss the £200,000 damages claim.

Kwik-Fit wanted the case brought against it thrown out.

Lord Emslie ruled that the action can go ahead with evidence being heard.

The PRS claimed that Kwik-Fit mechanics routinely use personal radios while working at service centres across the UK and that music, protected by copyright, could be heard by colleagues and customers.

It is maintained that amounts to the "playing" or "performance" of the music in public and renders the firm guilty of infringing copyright.

- Performing Rights Society is an organization that protects the intellectual property rights of the music industry
- sues a car repair firm because of staff radios: "broadcasting" (2007)
- sues a department store worker for singing at the workplace: "performing" (2009)

http://news.bbc.co.uk/2/hi/uk_news/scotland/edinburgh_and_east/7029892.stm
http://news.bbc.co.uk/2/hi/uk_news/scotland/tayside_and_central/8317952.stm

Software Copyright

- copyrights don't protect software against imitation of functionality

example: Lotus vs Borland (1995)

- similarity in the look and functionality of a spreadsheet program
- is the look of a program protected by copyright?
- court: "yes", appeals: "no"

example: Apple vs Microsoft/HP

- desktop interface, icons, ...
- court: "similar to video player buttons or car panels"

International Treaties

- Bern Treaty (1887)
- TRIPS: Trade-Related Aspects of Intellectual Property Rights (1995)
- WIPO Copyright Treaty (2002)
- World Intellectual Property Organization

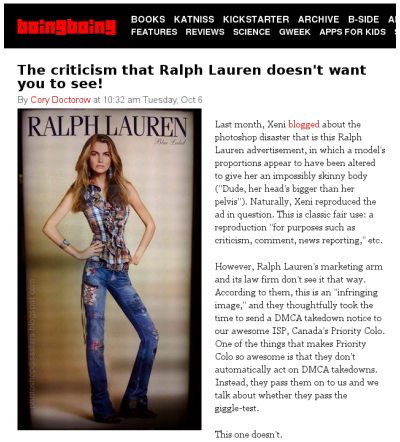
Telif Yasaları

- Turkey: Works of Intellect and Art Act (1995)
- USA: Digital Millenium Copyright Act (1998)
- protection duration: 70 years after the death of the author
- 95 years for works for hire
- copyright is automatic, no need to register anywhere

Principles

- fair use:
  no need for permission for some uses
- purpose: criticism, news, education, research
- nature of work: fiction vs non-fiction
- extent of use: whole, parts
- effect on the sale of the work
- first sale:
  after first sale, copyright owner has no rights on the copy sold

Example: Ralph Lauren ad campaign


boingboing BOOKS KATNISS KICKSTARTER ARCHIVE B-SIDE
FEATURES REVIEWS SCIENCE GWEEK APPS FOR KIDS

The criticism that Ralph Lauren doesn't want you to see!

By Cory Doctorow at 10:32 am Tuesday, Oct 6

Last month, Xeni blogged about the photoshop disaster that is this Ralph Lauren advertisement, in which a model's proportions appear to have been altered to give her an impossibly skinny body ("Dude, her head's bigger than her pelvis"). Naturally, Xeni reproduced the ad in question. This is classic fair use: a reproduction "for purposes such as criticism, comment, news reporting," etc.

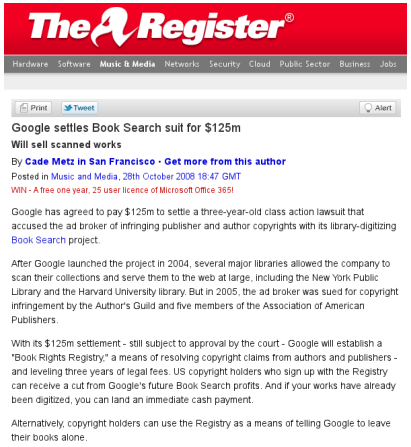
However, Ralph Lauren's marketing arm and its law firm don't see it that way. According to them, this is an "infringing image," and they thoughtfully took the time to send a DMCA takedown notice to our awesome ISP, Canada's Priority Colo. One of the things that makes Priority Colo so awesome is that they don't automatically act on DMCA takedowns. Instead, they pass them on to us and we talk about whether they pass the giggle-test.

This one doesn't.

- an ad photo for Ralph Lauren is heavily criticised
- RL tries to stop sites from using the photo (2009)

`http://boingboing.net/2009/10/06/the-criticism-that-r.html`

Example: Google Book Search


The Register®

Hardware Software Music & Media Networks Security Cloud Public Sector Business Jobs

Print Tweet Alert

Google settles Book Search suit for $125m

Will sell scanned works

By **Cade Metz in San Francisco · Get more from this author**

Posted in Music and Media, 28th October 2008 18:47 GMT

WIN - A free one year, 25 user licence of Microsoft Office 365!

Google has agreed to pay $125m to settle a three-year-old class action lawsuit that accused the ad broker of infringing publisher and author copyrights with its library-digitizing Book Search project.

After Google launched the project in 2004, several major libraries allowed the company to scan their collections and serve them to the web at large, including the New York Public Library and the Harvard University library. But in 2005, the ad broker was sued for copyright infringement by the Author's Guild and five members of the Association of American Publishers.

With its $125m settlement - still subject to approval by the court - Google will establish a "Book Rights Registry," a means of resolving copyright claims from authors and publishers - and leveling three years of legal fees. US copyright holders who sign up with the Registry can receive a cut from Google's future Book Search profits. And if your works have already been digitized, you can land an immediate cash payment.

Alternatively, copyright holders can use the Registry as a means of telling Google to leave their books alone.

- Google scans printed books and includes pages in search results
- Author's Guild sues, Google claims fair use (2005)
- settlement for 125 million $ (2008)
- 300 thousand € fine in France (2009)

`http://www.theregister.co.uk/2008/10/28/google_settles_book_suit/`
`http://news.bbc.co.uk/2/hi/technology/8420876.stm`

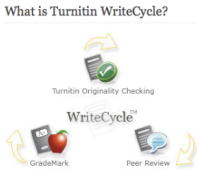
Example: Turnitin

Fair Use Bolstered by Student-Cheating Detection Service

By David Kravets | April 17, 2009 | 3:05 pm | Categories: Copyrights and Patents

A federal appeals court granted a boost to fair use advocates Friday when it ruled that an online cheating-detection service storing thousands of student essays did not violate the intellectual property rights of the essayists.

Students who claimed Turnitin.com breached their copyrights because it placed their works in its database brought the lawsuit. The site compares new essays submitted by teachers with a database of other essays to determine whether plagiarism was at work.



The E-Commerce and Tech Law Blog eloquently provides the nuts and bolts of the decision by the 4th U.S. Circuit Court of Appeals:

> The court stepped through the fair use analysis, dropping positive notes here (commercial uses can be fair uses), here (a use can be transformative 'in function or purpose without altering or actually adding to the original work,' citing Perfect 10 Inc. v. Amazon.com Inc.), and here (fact that turnitin.com used the entirety of the plaintiff's work did not preclude finding of fair use). And it turned back a lot of other, small-bore challenges to the district court's fair use finding.

Some 6,000 educational institutions in about 90 countries use the California-based cheating-detection service.

`http://www.wired.com/threatlevel/2009/04/fair-use-bolste/`

- plagiarism detection service
- universities subscribe for a fee
- assignments compared with each other, with previous assignments, and with Internet sources
- students sue Turnitin for copyright violation
- court rules fair use (2009)

Legal Immunity

- some organizations cannot be sued for copyright infringement resulting from the actions of their users: safe harbor
- service providers
- search engines
- Internet Archive

File Sharing

- increase in file sharing also increased copyright violations
- centralized networks: Napster, Kazaa, ...
- distributed networks: BitTorrent (requires search engine)
- file hosting services: Rapidshare, Megaupload, ...

File Sharing Debates

- file sharing also has legal uses
- courts decide that services are responsible for preventing large scale copyright violations
- are damage assessments realistic?
- how to distribute collected fines?

Example: Betamax

- Universal film studios sue Sony over the Betamax video recorder (1970): "this device can be used to violate copyrights"
- court: "there are also legal uses"

Example: The Pirate Bay

BBC News Sport Weather Travel iPlayer TV

NEWS TECHNOLOGY

Home World UK England N. Ireland Scotland Wales Business Politics Health Education SciEnv

26 November 2010 Last updated at 14:06

Pirate Bay founders lose appeal

Three founders of The Pirate Bay have lost an appeal against a conviction for illegally sharing copyrighted content.

The Swedish appeals court upheld the 2009 ruling against the site's founders which saw them sentenced to a year in jail and heavily fined.

The ruling reduces the sentences the men face but increases fines to 46m crowns (€4.1m).

Three of The Pirate Bay's four founders were in court for the verdict. The other was too ill to attend.

The original verdict on Peter Sunde, Fredrik Neij, Gottfrid Svartholm Warg and Carl Lundstrom was handed down in April 2009 following a lengthy trial.

Lawyers acting for music labels and movie studios alleged that via The Pirate Bay, the four men helped people circumvent copyright controls.

The founders defended themselves by saying that The Pirate Bay did not host any pirated material directly.

The appeal court ruling will see Mr Neij serve a 10 month sentence; Mr Sunde eight months and Mr Lundström four months. Once Mr Svartholm Warg is fit his "criminal liability" will be tested by the appeals court.

The site has become notorious for hosting links to pirated music, movies and games

Related Stories

Pirate Bay founders back in court

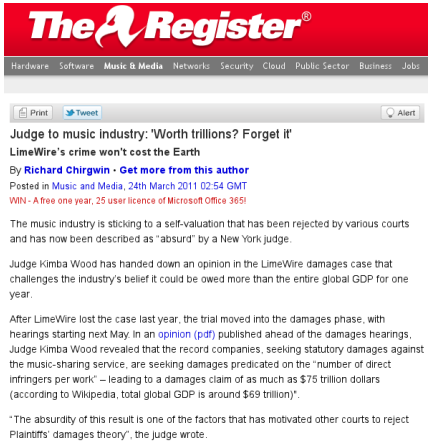
Attacks target recording industry

Pirate Bay founding body disbands

- TPB: BitTorrent search site
- founders sentenced to 4-10 months jail and 6.5 million $ compensation (2009-2010)
- is it any different from Google?

`http://www.bbc.co.uk/news/technology-11847200`
`https://torrentfreak.com/google-defends-hotfile-and-megaupload-in-court-120319/`

Example: LimeWire



The Register®

Hardware Software Music & Media Networks Security Cloud Public Sector Business Jobs

Print Tweet Alert

Judge to music industry: 'Worth trillions? Forget it'

LimeWire's crime won't cost the Earth

By Richard Chirgwin · Get more from this author

Posted in Music and Media, 24th March 2011 02:54 GMT

WIN - A free one year, 25 user licence of Microsoft Office 365!

The music industry is sticking to a self-valuation that has been rejected by various courts and has now been described as "absurd" by a New York judge.

Judge Kimba Wood has handed down an opinion in the LimeWire damages case that challenges the industry's belief it could be owed more than the entire global GDP for one year.

After LimeWire lost the case last year, the trial moved into the damages phase, with hearings starting next May. In an opinion (pdf) published ahead of the damages hearings, Judge Kimba Wood revealed that the record companies, seeking statutory damages against the music-sharing service, are seeking damages predicated on the "number of direct infringers per work" – leading to a damages claim of as much as $75 trillion dollars (according to Wikipedia, total global GDP is around $69 trillion)".

"The absurdity of this result is one of the factors that has motivated other courts to reject Plaintiffs' damages theory", the judge wrote.

- in the LimeWire case, the music industry demands 75 trillion $ in damages
- judge finds the amount "absurd" (2011)

`http://www.theregister.co.uk/2011/03/24/judge_slaps_music_biz/`

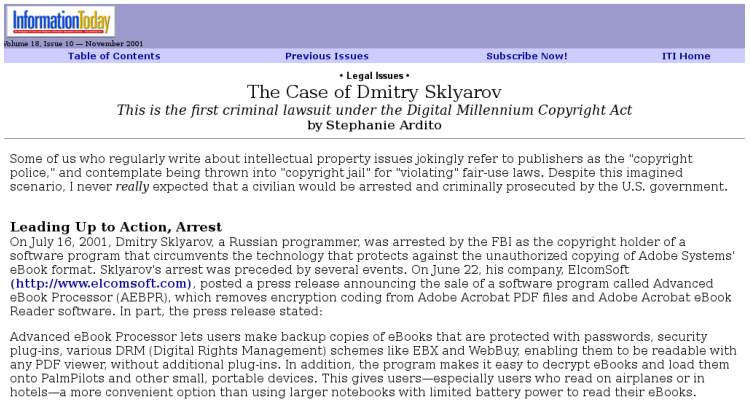
DRM

- Digital Rights Management
- enforcing copying and distribution rules using technology
- region protection in DVDs
- copy protection in CDs
- transfer prevention on digital files
- supported by "anticircumvention" clauses in recent copyright laws

DRM Debates

- regarding consumer rights
- regarding reverse engineering
- technically, is DRM really effective?

Example: Adobe vs Sklyarov



InformationToday

Volume 18, Issue 10 — November 2001

Table of Contents | Previous Issues | Subscribe Now! | ITI Home

• Legal Issues •

The Case of Dmitry Sklyarov

This is the first criminal lawsuit under the Digital Millennium Copyright Act

by Stephanie Ardito

Some of us who regularly write about intellectual property issues jokingly refer to publishers as the "copyright police," and contemplate being thrown into "copyright jail" for "violating" fair-use laws. Despite this imagined scenario, I never *really* expected that a civilian would be arrested and criminally prosecuted by the U.S. government.

Leading Up to Action, Arrest

On July 16, 2001, Dmitry Sklyarov, a Russian programmer, was arrested by the FBI as the copyright holder of a software program that circumvents the technology that protects against the unauthorized copying of Adobe Systems' eBook format. Sklyarov's arrest was preceded by several events. On June 22, his company, ElcomSoft (http://www.elcomsoft.com), posted a press release announcing the sale of a software program called Advanced eBook Processor (AEBPR), which removes encryption coding from Adobe Acrobat PDF files and Adobe Acrobat eBook Reader software. In part, the press release stated:

Advanced eBook Processor lets users make backup copies of eBooks that are protected with passwords, security plug-ins, various DRM (Digital Rights Management) schemes like EBX and WebBuy, enabling them to be readable with any PDF viewer, without additional plug-ins. In addition, the program makes it easy to decrypt eBooks and load them onto PalmPilots and other small, portable devices. This gives users—especially users who read on airplanes or in hotels—a more convenient option than using larger notebooks with limited battery power to read their eBooks.

`http://www.infotoday.com/it/nov01/ardito.htm`

Example: Adobe vs Sklyarov

- Sklyarov develops a software that removes password protection from PDF e-books
- his company Elcomsoft sells this software
- Sklyarov is arrested when he visits USA (2001)
- Adobe and the Department of Justice sue Sklyarov and Elcomsoft
- due to public reaction, the case against Sklyarov gets dropped
- the case against Elcomsoft ends in acquittal (2002)
- fair use? (backup copy)
- first sale?

Example: Jon Johansen

c|net CNET | News

Reviews | News | Download | CNET TV | How To

CNET › News › Digital media - legacy

January 8, 2003 4:39 PM PST

Norway piracy case brings activists hope

By Lisa M. Bowman
Staff Writer, CNET News

Related Stories

Skyarov reflects on DMCA travails
December 20, 2002

Copyright jury says "not guilty"
December 17, 2002

Copyright fight comes to an end
July 3, 2002

Teen charged in connection with DVD cracking tool
January 25, 2000

Internet and technology activists are hoping the acquittal of Norwegian programmer Jon Johansen in a digital piracy case signals a change in attitudes about copyright in the digital age.

The acquittal in Oslo, Norway, of 19-year-old Johansen, one of the creators of the DVD-cracking code known as DeCSS, is one of several recent setbacks for intellectual-property holders seeking to exert more control over the digital versions of their products.

"It feels a bit like the tide is turning in these copyright cases," said Cindy Cohn, an attorney with the Electronic Frontier Foundation. "It really feels like there is some sanity creeping in." The EFF and others have been concerned that digital copyright law hampers legitimate research into encryption and other technological matters and stifles consumers' rights.

"The Norwegian judges' ruling protects intellectual freedom by recognizing that once you buy a DVD movie, Hollywood no longer has a lawful right to control the way you can access that film," said Robin Gross, executive director of IP Justice, a new group hoping to promote balanced international intellectual-

property laws.

- Jon Johansen develops a software that breaks region protection on DVDs to watch them on Linux
- Paramount, Universal, and MGM sue
- Johansen is acquitted (2003)
- Johansen - Apple: buying music from iTunes (2005)

`http://news.cnet.com/Norway-piracy-case-brings-activists-hope/2100-1025_3-979769.html`
`http://news.cnet.com/DVD-Jon-reopens-iTunes-back-door/2100-1027_3-5630703.html`

Example: Sony music CDs

- Sony music CDs install a copy protection program without telling the user
- Sony apologizes, recalls CDs (2005)
- the copy protection program turns out to be stolen from open source projects

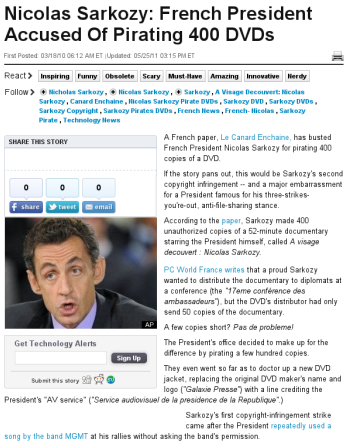
http://news.bbc.co.uk/2/hi/technology/4456970.stm
http://www.theregister.co.uk/2005/11/18/sony_copyright_infringement/

Example: MPAA

- MPAA copies the movie "This Film Is Not Yet Rated" without permission and distributes it to its employees (2004)

https://www.eff.org/deeplinks/2006/01/mpaa-copying-movies-ok-our-families-not-yours

Example: Nicolas Sarkozy



- Sarkozy's party uses a song by the band MGMT without permission in election campaigns (2009)
- Presidential Office prints a documentary about Sarkozy on copy DVDs (2009)

http://www.huffingtonpost.com/2009/10/08/nicolas-sarkozy-french-pr_n_313723.html

Product or Service

- is software a product or a service?
- mass sales → product
- personal sales → service

- if mass sales: make sure product is safe → strict liability
- the risk costs can be distributed in sales

- if personal sales: not in circulation → neglect
- the risk costs cannot be distributed

Proprietary Model

- source code: trade secret
- copying and distribution of compiled code: copyright
- use of program: license agreement
- what the consumer buys is not the program, it's the license to use the program

End User License Agreements

- what if the consumer doesn't agree? (preinstalled software)
- activation, hardware changes
- reverse engineering: none, or as much as local law permits
- no warranty
- no liability

Free/Open Source Model

- ability to customize
- speedier updates
- protection from problems of the vendor

GNU General Public License - GPL

- use: no restriction
- distribute: no restriction (including selling)
- modify: no restriction
- distribute modified: along with source code
- no warranty
- no liability

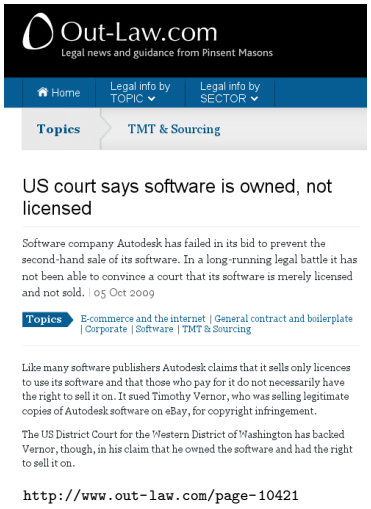
Other Free/Open Licenses

- BSD: any license on the modified software
- Lesser GPL, Apache, Mozilla, ...
- dual licensing: MySQL, Qt
- for documentation: GNU Free Documentation License
- for creative works: Creative Commons

Open Source Initiative (OSI)

- dağıtım özgürlüğü
- kaynak kodun açıklığı
- değişikliklere izin
- özgün kaynak kodunun bütünlüğü
- kişi ve gruplara karşı ayrımcılık yapılmaması
- iş alanlarına karşı ayrımcılık yapılmaması
- lisansın dağıtımı
- lisansın ürüne özel olmaması
- lisansın başka yazılımları kısıtlamaması
- lisansın teknolojiden bağımsız olması

Example: First sale


Out-Law.com
Legal news and guidance from Pinsent Masons

Home | Legal info by TOPIC | Legal info by SECTOR

Topics | TMT & Sourcing

US court says software is owned, not licensed

Software company Autodesk has failed in its bid to prevent the second-hand sale of its software. In a long-running legal battle it has not been able to convince a court that its software is merely licensed and not sold. | 05 Oct 2009

Topics E-commerce and the internet | General contract and boilerplate | Corporate | Software | TMT & Sourcing

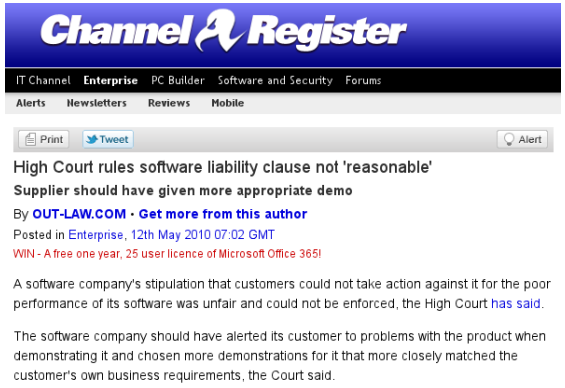
Like many software publishers Autodesk claims that it sells only licences to use its software and that those who pay for it do not necessarily have the right to sell it on. It sued Timothy Vernor, who was selling legitimate copies of Autodesk software on eBay, for copyright infringement.

The US District Court for the Western District of Washington has backed Vernor, though, in his claim that he owned the software and had the right to sell it on.

- a US court decides that software is sold, not licensed (2009)

`http://www.out-law.com/page-10421`

Example: Liability


The Channel Register

IT Channel | Enterprise | PC Builder | Software and Security | Forums

Alerts | Newsletters | Reviews | Mobile

Print | Tweet | Alert

High Court rules software liability clause not 'reasonable'

Supplier should have given more appropriate demo

By OUT-LAW.COM · Get more from this author

Posted in Enterprise, 12th May 2010 07:02 GMT

WIN - A free one year, 25 user licence of Microsoft Office 365!

A software company's stipulation that customers could not take action against it for the poor performance of its software was unfair and could not be enforced, the High Court has said.

The software company should have alerted its customer to problems with the product when demonstrating it and chosen more demonstrations for it that more closely matched the customer's own business requirements, the Court said.

- British High Court rejects that software cannot be sued for poor performance (2010)

`http://www.channelregister.co.uk/2010/05/12/red_sky_liability_ruling/`

Patents

- patent protection is for inventions
- *new*: advancing the current state of the art
- *functional*: applicable in industry
- *not obvious*
- even if someone else invents it independently, they cannot use it
- clients can also be sued for infringement

Patent Protection

- produce
- use
- sell
- give these rights to others (license)
- legal monopoly
- protection duration: around 20 years
- protection region

Patent Difficulties

- registered at the patent office
- too expensive to obtain
- difficult to evaluate patent applications
- by checking patents registered earlier
- difficult to find the list of patents that might apply
- just because the patent office granted the patent,
  it doesn't necessarily mean that the court will accept it

Software Patents

- no software patents in the US until 1981
- patent office starts issuing software patents after a court ruling
- it is still a controversial topic whether software could be patented
- "software is mathematics"

Example: Benson

- Benson applies for a patent for an algorithm that converts BCD numbers into binary numbers
- patent office rejects, Benson sues
- court decides that this algorithm isn't patentable (1972)

Patent Problems

- patents granted although they should not be eligible
- using patents to stop competitors from using the idea
- holders can stop each other and block technology: *patent pools*
- "fair, reasonable, and non-discriminatory" licensing for critical patents (FRAND)
- getting patents just to sue for infringement (patent trolling)
- keeping the patent hidden or not enforcing it until the technology becomes widely used

Patent Problems

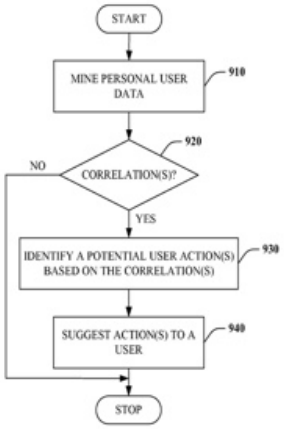
- patents are now used as weapons
- many companies getting patents for protection
- the system has diverged from the original goal of promoting innovation
- on the contrary, it hinders start-ups and small companies

Example: Amazon - One-click shopping

- Amazon gets a patent for one-click shopping (1999)
- sues Barnes and Noble
- patent office re-examines the patent, rejects parts of it (2007)
- accepts modified patent application (2010)
- Bilski case: Appeals Court makes it more difficult to get business process patents (2008)

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1725009

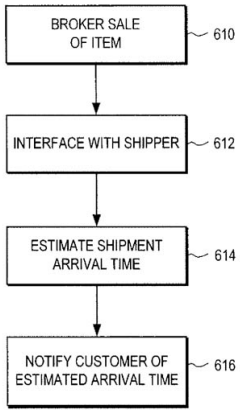
Example: Microsoft - Personal data mining



- Microsoft: personal data mining (2010)
- Microsoft buys 800 patents from AOL (2012)

http://techflash.com/seattle/2010/02/gates_ozzie_other_microsoft_execs_patent_personal_data_mining.html
http://www.theregister.co.uk/2012/04/09/aol_microsoft_patent_deal/

Example: Google - Shipment arrival estimation



- Google: when will the shipment arrive? (2011)

http://www.theregister.co.uk/2011/08/12/google_customer_notification_patent/

Example: Apple vs Samsung - Google


PCWorld » Blogs » Today @ PCWorld

Recommend: 0 Comments Print

TODAY @ PCWORLD

Apple to Samsung: Don't Make Thin or Rectangular Tablets or Smartphones

By Melanie Pinola, PCWorld Dec 5, 2011 8:50 AM

Apple proffers design advice on how Samsung could avoid stepping on Apple's design patent toes, in a legal brief filed as part of its ongoing patent infringement lawsuit against its competitor.

Some of the alternative design options Apple has suggested for Samsung seem so farcical you'd think you were reading *The Onion*: Don't make tablets or smartphones with overall rectangular shapes or rounded corners, make tablets with front surfaces that aren't completely flat, try cluttering the appearance of the devices, and more.

Apple iPad

When Apple sued Samsung in April, the company claimed Samsung had "slavishly" copied the distinctive designs of the iPhone and iPad, thereby violating Apple intellectual property rights. In its rebuttal, Samsung argues that there are only so many ways you could design devices like the Galaxy S and Galaxy Tab.

Apple obviously doesn't think so. To defend its claim that Samsung had other design options, Apple had to provide examples of design alternatives.

- Apple stops a Samsung tablet from being sold in Germany (2011)
- Motorola stops Apple users from using "push email" in Germany (2012)
- HTC sues Apple with patents obtained from Google (2011)

https://www.pcworld.com/article/245493/apple_to_samsung_dont_make_thin_or_rectangular_tablets_or_smartphones.html
http://www.theregister.co.uk/2012/02/24/apple_patent_motorola/
http://www.bloomberg.com/news/2011-09-07/htc-sues-apple-alleging-infringement-of-four-u-s-patents.html

Example: Microsoft vs Eolas


The Register®

Hardware Software Music & Media Networks Security Cloud Public Sector Business Jobs

Operating Systems Applications Developer Microbite

Print Tweet Alert

Microsoft settles eight year patent case with Eolas

Undisclosed payment over rights violation claim

By OUT-LAW.COM · Get more from this author

Posted in Software, 31st August 2007 15:56 GMT

WIN - A free one year, 25 user licence of Microsoft Office 365!

Microsoft has settled a long-running patent infringement suit with Eolas and the University of California in a case which has been running since 1999. Microsoft will make an undisclosed payment to Eolas.

Eolas had claimed that Microsoft's internet browser Internet Explorer violated a patent held by it. The dispute centred on the embedding of items within a web page. Microsoft has since changed that element of its browser.

Eolas won $521m in 2003 but Microsoft appealed and won the right to a retrial. It said that it expected the damages to be changed.

- Eolas patent: running applications from within browser
- sues Microsoft (1999)
- settles out-of-court (2007)
- Eolas later sues Apple ve Google (2010)
- loses (2012)

http://www.theregister.co.uk/2007/08/31/microsoft_eolas_settlement/
http://www.wired.com/threatlevel/2012/02/interactive-web-patent/

Example: Compuserve - GIF image format

- Compuserve patent: compression algorithm used in GIF
- doesn't enforce the patent for years
- after GIF use increases, Compuserve announces that it will sue some web sites (1994)
- the PNG image format gets developed and replaces GIF

References

Required Reading: Tavani

- Chapter 8: Intellectual Property Disputes in Cyberspace