**Intellectual Property – a work of one’s creativity**

Intellectual Property is a non-physical property which is a product of original thoughts. They are intangible creations of the human intellect. There are many types of intellectual property. Some of the important and commonly known ones are:

1. Copyrights
2. Patents
3. Trademarks
4. Trade Secrets

***Copyright*** gives the creator of an original work some exclusive rights to it. The copyright protections include but are not limited to original works of authorship in any tangible medium. Works that can be copyrighted include works in domain of literature, music, photography, architecture, cinema, computer software, etc. For something to be protected, it must be an original work and not a result of copying from somewhere. A ***patent*** is a form of right that the government grants to the inventor to prevent the use, sale and production of their own invention. In return the inventor must give a public disclosure of their invention. Patent protection is the strongest form of intellectual property protection. A ***trademark*** is any symbol, word, name, or any combination selected by a manufacturer or a merchant to identify their goods and to distinguish them from the goods produced by others. A ***trade secret*** is a kind of information which is used in the daily operations of a business/enterprise included under formula, design, pattern, process, practices, or instrument that can be used to obtain an economic advantage over the competitors. The businesses must safeguard its own trade secrets as there is no formal government protection for the same. (Adam Moore, 2018)

Georgia, like many states, hires a private company to create and publish an official “annotated version” of its state code, featuring citations, analysis and opinions from the state attorney general. The simple code is free online, but users must pay for the annotated version. State says the arrangement allows for the cost-efficient creation of more detailed legal materials, while critics say it deprives of full access to the law to those who can't afford the fees. In 2015, Georgia sued Public.Resource.org — a nonprofit advocacy group because it copied and republished the annotated codes online without permission. But last year, the Eleventh Circuit sided with Public.Resource.org and ruled the annotations were effectively an extension of state law, making them a "government edict" that cannot be copyrighted. Georgia took the case to the high court, which agreed in June to hear it. And currently the case is still pending in the Supreme court. (LAW360, 2020)

**Questions**:

1. **Do you think Georgia state was right to levy a fee on the annotated version of the state code to its citizens?**

In July 2015, the Code Revision Commission, a body established by the Georgia General Assembly in 1977 to recodify Georgia's state laws, filed suit in the Northern District of Georgia seeking injunctive relief to prevent Public.Resource.Org (PRO), a non-profit working to improve public access to government materials, from publishing all 186 volumes of the Official Code of Georgia Annotated (OCGA) online for free public access. PRO responded to the lawsuit by arguing that the state of Georgia didn't hold an enforceable copyright to the OCGA.

As a matter of public policy, the U.S. Copyright Office is not allowed to register a government edict that has been issued by any state, local, or territorial government. This includes any legislative enactments, judicial decision, administrative rulings, public ordinances, or similar types of official legal materials. (Garson, 2017)

A law should not be copyrighted and access to the law is every citizen’s fundamental right in democracy for supporting equal protection and justice to all. So, the government should not be allowed to levy fees on such resourceful materials that hold such an important place in the functioning of large democracies.

1. **What will be the effect of Georgia State’s action on the aspiring future lawyers or citizens who wish to study laws in detail?**

The chairman of Georgia’s Code Revision Commission, Josh McKoon, referred to the Georgia State website, where an unofficial and un-annotated copy of the Georgia laws could be read for free. However, on further investigation it was found out that the public copy was not actually free because the users had to agree to various restrictions contained in the terms of use.

The annotated version contains references to court decisions pertaining to each law in addition to the contents of the free version. Further researching about this case, I discovered that each hard copy of the state laws costed around $1200 back in 2015 and the cost has increased ever after. This means that any aspiring lawyer in Georgia or any citizen who wishes to read the state laws in detail must spend $1200 from their pockets which can be a very big amount for economically unstable citizens. This is an extra burden along with their education expenses or other academic expenses.

Knowledge of one’s own country’s law is very essential and that can be obtained only when it is available for access without much efforts. The new generation should be given the correct knowledge and in a legal and simple way. Depriving the poor from accessing these vital documents will not do good to any country’s democracy. Especially when it has such a high population of aspiring and young lawyers to be in its treasury.

1. **Do you know about any other government body that has given citizens, a free access to the information that it holds with itself?**

The National Archives and Records Administration (NARA) is the nation's record keeper. Of all documents and materials created in the course of business conducted by the United States Federal government, only 1%-3% are so important for legal or historical reasons that they are kept by NARA forever. These valuable records are preserved and made available to you, whether our want to see if these documents contain any information about your family’s history or you want to research on a historical topic of your interest. The headquarters of the National Archives is in Washington DC. In addition, a system of Regional Records Services facilities and Presidential libraries are spread across the country.

Anyone can use the National Archives. You do not need to be an American citizen or to present credentials or a letter of recommendation. Moreover, NARA maintains a website where the most often accessed offerings are easily findable via browsing. Self-Service copying by researchers is permitted under specified conditions in most research rooms by using one of the following equipment: In-house coin or card-operated electrostatic copiers and microfilm printer, snapshot copiers, etc. Researchers can get their own equipment as well, that has been specifically approved by the National Archives for work with the records in question.

NARA only has records of Federal courts. They do not have records from state or county courts. Federal court records are kept in the [Regional Records Services Facility](https://www.archives.gov/locations/) that covers records from that state. Most of the digital images in the [National Archives Catalog](https://catalog.archives.gov/) are in the public domain. Therefore, no written permission is required to use them. That means NARA considers government records to be free in public domain. (Administration, 2020)

# **References**:

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