

Practical Assessment Week 4

RMIT University - PCP/APD 2020 Semester 2

Consider the following questions, find and discuss the relevant issues, and write the answers. A "yes" or "no" answer is insufficient for the following questions. You need to show your thought process and use good arguments to justify your position.

Mark: Each question has ¼ mark

1. You have probably seen a lot of 'graffiti' on the walls near train stations, alleys and various places. How should photos of graffiti be licensed, if at all? In the process of answering this question, you are expected to mention the common problems involved in such a scenario, such as:
 - What is the best IP protection scheme for this scenario?
 - Is there any limit on the protection that your chosen scheme offers?
 - The ownership of graffiti
 - The legality of this activity
 - How/if the legality can affect the ownership
 - What should the author do if their work is used for commercial purposes?
 - What can the author do to prevent the destruction of their work?
 - Any other related issue and you deem relevant.

If you're wondering what graffiti means, check out [this link](#) to see some of the most beautiful ones in Melbourne.

In order to answer this question, you will need to discuss the issues with your team members and conduct online research about the topics mentioned above. Provide reference (URLs at footnote or by other means) for the sources of your main claims.

2. Your cousin owns a deli shop. He asks you to write an inventory program for him. You are glad to help him and do not charge for the program. The program works pretty well, and you discover later that your cousin has given copies to several friends who operate similar or smaller deli shops.
 1. Do you believe that your cousin should (or should not) have asked for your permission before sharing your software with other people? Explain why.
 2. Do you believe that other merchants should pay you for the copies?

In the process of responding to the above questions, you are expected to justify your answers based on the intellectual property concepts that you have learned. A "yes or no" answer is insufficient. You should explain "why" you think an approach is good.

3. Does Australian copyright law restrict one from lending/renting their computer game? What if your friend borrows the game with the intention of copying the game?

In the process of answering this question, you are expected to find what the Copyright law says about this issue. As a starting point, your team can go through the document shared on Australian Copyright Council's website about this issue: https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Lending_items_protected_by_copyright.aspx

4. Read the scenario and answer the questions that follow.

SCENARIO:

The two DJs, one based in Perth, and the other in San Francisco, remixed the Green Day album *American Idiot* with music from a variety of artists including Aerosmith and Eminem. When they posted their *American Edit* album into cyberspace for free, it became an instant hit and a copyright nightmare. It took just twelve days for the DJ team to receive a ['cease and desist' notice](#) from Green Day's record label.

The notice sparked outrage. More than 400,000 people signed an online petition protesting against the record label's moves to stop the album, which was only available on the Internet. Green Day came out publicly to say they were flattered by the album, and liked it.

"We now inhabit a 'remix culture', a culture which is dominated by amateur creators – creators who are no longer willing to be passive recipients of content," recently wrote Australian lawyers from the Queensland University of Technology in their report *Mashups, Remixes and Copyright Law*.

"Instead, they are demanding a much broader right, a right to mashup and remix material – to take on the role of producers – to cut, paste, sample or jam with content, in order to produce something which is distinctive of their own social and creative innovation."

QUESTIONS TO BE ANSWERED:

1. Should people be able to access copyright-protected material in order to create something else/new? Why? Why not? Justify your answer.
2. If they should, what rights do the original creators of the work have? Note that a remix of it effectively a ["derivative work"](#) (i.e. a new work based upon an original work). Consider, for example, who owns the right to own the remix. What other rights are involved?