**JAGJIT SINGH BILKHU**

**T0053766**

**ASSIGNMENT 3 – IP RESEARCH REPORT**

**QUESTION 1:**

According to the text ‘Ethics for the information age’, the major cause for the reduction in revenue collected from music sales and licensing in United states dropped because of the increase in the number of people with access to broadband Internet connections. The authors of the book claim that this has stimulated digital copying and sharing of media. As the number of people having access to broadband internet connections, the easier it becomes to share and download the files without necessarily having to purchase the copy rights to download them. Broadband connections have also made video sharing much more popular. According to a report by the Recording Industry Association of America (RIAA), 30 billion songs were illegally downloaded between 2004 and 2009 alone. This has resulted into massive income losses for the music industry for example $12.5 billion have been lost due to availability of free music since 1999 and the music sales have dropped by 47 percent since 1999 when Napster started. This has led to further layoffs of people from the music industry [approximately 71000 jobs].

The government and music recording companies have introduced new legal and technological restrictions to control illegal downloading and copying for example the **Digital Millenium Copyright Act and Digital Rights Management**. The DMCA made it illegal for consumers to decrypt digital media security, and also made it illegal to sell (or even discuss online) a software program designed to decrypt the copyright controls. Also, they introduced technological constraints including “digital water marks” to control copying and distribution of media but this failed as it was cracked and leaked into the public.

**QUESTION 2:**

Fair use is a term used to describe the legal reproduction of copyrighted work without the permission of the copyright holder. There are no precise scenarios to describe fair use instead the Judicial system determines if it is fair or not. A similar law is applicable in Canada named as ‘**FAIR DEALING**’. The legality and fairness of the work is determined by: ***[FROM THE TEXTBOOK]***

1. *What is the purpose and character of the use?*

*An educational use is more likely to be permissible than a commercial use.*

1. *What is the nature of the work being copied?*

*Use of nonfiction is more likely to be permissible than use of fiction. Published works are preferred over unpublished works.*

1. *How much of the copyrighted work is being used?*

*Brief excerpts are more likely to be permissible than entire chapters.*

1. *How will this use affect the market for the copyrighted work?*

*Use of out-of-print material is more likely to be permissible than use of a readily available work.*

According to the text, an example of fair use is when a professor copies a section from a text book and makes it available to the students on his website. This is fair use since it is for educational purposes and that only a small portion is copied.

Another example would be referencing text or images from a website or a blog in your own paper. Since not the whole text will be copied and that proper references have been given, this would be fair use.

In case one copies from an old text book which now has many newer editions and that the old text book is no longer sold, the copying would be determined as fair use since it won’t influence the market sales as it is no longer sold.

Another example of fair use would be if someone would say take a picture or crop a picture of a painting or art work for personal use and not distribute it. Since the person will keep it to themselves and won’t be using it commercially or distributing it, and that it contains only a part or portion, it would be considered fair use.

Creating tutorials and writing reviews on products would be fair use. Good reviews may benefit the creator and bad ones may hurt their sales but it is allowed to review a product without their consent but must be very accurate.

**Question 3:**

I agree with the Oslo City court ruling to acquit Jon Johansen since he wrote the code such that the DVD’s could be played on the Linux OS which initially was not supported. He also was required to purchase a DVD in order to use the code and view the movie which I believe is not illegal. However, the 2600 Magazine should have been sued for distributing the links to the code and encouraging its use which is like what Pirate bay was doing.

**QUESTION 4:**

Initially, in 2008, Pirate bay was sued to make available to the public 33 copyrighted works: 20 songs, 9 movies and 4 computer games however, the defendants evaded it by claiming that Pirate bay was a search engine and did not host any copyrighted content.

In 2009, the District in Stockholm found Carl Lundstrom, Fredrik Neij, Peter Sunde, and Gottfrid Svartholm Warg guilty of aiding and abetting copyright infringement i.e. providing links to the Copyrighted materials on the internet. Tey were sentenced to one year in prison and a $6.5 million fine. However, the site is still operational with some URL’s but many of them have been blocked by the Swedish and American governments.

A cyber locker is a third-party online service that provides file-storing and file-sharing services for various types of media files and data*. [* [*https://www.techopedia.com/definition/27694/cyberlocker*](https://www.techopedia.com/definition/27694/cyberlocker)*]* Pirate bay is linked to cyber lockers in that it provided users with hyperlinks to download files/media from cyber lockers without necessarily hosting the files itself.

**QUESTION 5:**

A patent is a set of exclusive rights given to an inventor for a limited period in exchange for a detailed exposure of the invention to the public. *[*[*https://en.wikipedia.org/wiki/Patent*](https://en.wikipedia.org/wiki/Patent)*]*

A software patent is a patent issued on a computer software that can be used to improve the performance of a computer system. *[*[*https://www.techopedia.com/definition/22199/software-patent*](https://www.techopedia.com/definition/22199/software-patent)*]*

An IP patent can be issued on the computer hardware where as a software patent is issued on a computer program that enhances the performance of the computer. However, software patents face a lot of challenges and lots of debates on how to enforce them.

References:

* <https://www.wikipedia.org/>
* <https://www.techopedia.com/>
* <http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/Home>