

Lesson 4

Activities on Intellectual Property (IP) & Copyright in ICT

Objectives:

1. To engage multiple learning styles (visual, auditory, kinesthetic) while connecting theory to IT practice.
2. To engage and connect real-world scenarios on Intellectual Property and Copyright through activities.

Members:

**Mohammad, Amira S.
Valderrama, John Klement**

Activity 1: IP Type "Forensic Analysis"

Objective: Distinguish copyright, patents, trademarks, and trade secrets in IT contexts. **Format:** Small groups (3 students each group)

Task:

- Categorize the 4 IT artifacts from copyright, patent, trademark or trade secret:

- Windows startup sound
- Amazon's 1-Click patent
- Apple's bitten apple logo
- Google's search algorithm

- Categorize more based on the table below:

Artifact	Intellectual Property Type	Legal Protection	Why it fits this category?	Ethical Risk if Violated
a) Windows startup sound	Copyright	Copyright Law (Berne Convention, DMCA etc.)	It is a unique audio creation; original sound recordings are protected under copyright.	Unauthorized use can lead to music piracy and violation of creative rights.
b) Amazon's 1-Click patent	Patent	Patent Law (USPTO, etc.)	It's a technical solution (one-click purchasing) to a practical problem, thus patentable.	Copying the method without license undermines innovation and discourages R&D.
c) Apple's bitten apple logo	Trademark	Trademark Law (Lanham Act, IPOPHL, etc.)	It's a distinctive brand identifier for Apple, used in commerce.	Misuse can cause brand dilution or consumer deception.
d) Google's search algorithm	Trade Secret	Trade Secret Law (UTSA, NDAs, etc.)	The algorithm is proprietary and confidential, giving Google competitive advantage.	Leaking it could give unfair competitive edge to rivals; breach of trust and confidentiality.

Debrief: Groups present 1 example. Discuss overlaps (e.g., software can be both copyrighted and patented).

Activity 2: Piracy/Plagiarism Ethical Trial

Objective: Debate ethical issues in software piracy and plagiarism.

Format: Role-play debate with small groups (3 students each group) (just prepare for this)

Scenario: "A student copies GitHub code for a class project without attribution, arguing: 'The code is publicly available, and the project is non-profit.'"

Roles:

- **Prosecution:** Argue violation of copyright/academic integrity
- **Defense:** Argue fair use/educational exception
- **Jury:** Decides based on ethical frameworks (e.g., utilitarianism vs. deontology)

Deliverable: Jury issues a verdict with ethical justification.

🎭 SCENARIO

"A student copies GitHub code for a class project without attribution, arguing:
'The code is publicly available, and the project is non-profit.'"

Prosecution Team: Violation of Copyright/Academic Integrity

Core Argument:

The student violated academic integrity and possibly copyright law, regardless of intention.

Key Points to Raise:

Academic Integrity

- Schools require students to submit original work or properly attribute sources.
- Copying without citation is plagiarism, even if the code is publicly available.

GitHub Licenses Matter

- Most GitHub projects have licenses (MIT, GPL, etc.) that require attribution.
- "Public" does not mean "free to copy without credit."

Ethical Values

- Stealing credit is dishonest and undermines the value of education.
- It's a slippery slope — allowing this opens the door to more serious plagiarism.

Consequences

- Violating these principles can result in academic sanctions and damages trust.

Defense Team: Fair Use / Educational Context

Core Argument:

The student used the code for a non-commercial, educational purpose and didn't claim ownership.

Key Points to Raise:

Intent Matters

- The project was for learning, not profit.
- The student didn't try to sell or redistribute the code as their own creation.

Public Access isn't Theft

- The code was publicly available on GitHub, potentially meant to be reused.
- If the license allows use, then morally it's not stealing.

Educational Fair Use

- In many educational institutions, use of public materials for non-commercial learning is encouraged.
- The student might simply be unaware of licensing rules — a mistake, not misconduct.

Growth over Punishment

- Instead of punishment, teach proper attribution.
- Encouraging exploration and learning should be prioritized in academic settings.

Jury Panel: Decide using Ethical Frameworks

Approach:

Use two ethical theories to guide the decision:

1. Deontological Ethics (Duty-Based)

- Rules matter most.
- Verdict: Guilty — regardless of intention, copying without attribution is wrong.

2. Utilitarian Ethics (Outcome-Based)

- Focus on consequences and benefits.
- Verdict: Possibly Not Guilty — if it benefits the student's learning and no one is harmed, it may be acceptable.

Jury Verdict with Ethical Justification

Verdict:

Guilty, with conditions for ethical education.

Justification (Deontology):

- The student had a duty to acknowledge the source. Public availability does not remove the ethical obligation to credit original creators. Academic integrity requires transparency, even in educational contexts.

However, based on utilitarian ethics, the punishment should be educational, not punitive. The student should receive guidance on how to use public code ethically, including understanding GitHub licenses and proper attribution.

Activity 3: Fair Use Simulation

Objective: Apply fair use principles in IT scenarios.

Format: Case study evaluation with small groups (3 students each group)

Cases:

1. Using 10 seconds of a song in a coding tutorial video.
2. Reverse-engineering software to improve compatibility.
3. Scraping public social media data for AI training.

Task:

- Use the **four factors of fair use** (purpose, nature, amount, effect) to rate each case:

Rating Scale: 3 – likely fair 2 – Boundary 1 – Violation

Case	Purpose	Nature	Amount	Effect
1	Rating - 3 Educational/tutorial (non-commercial or transformative use)	Rating - 2 Creative work (songs are highly creative and usually protected strongly)	Rating - 3 Only 10 seconds of a longer song used (small portion)	Rating - 3 Unlikely to impact market value or serve as a substitute for the original song
2	Rating - 3 To achieve interoperability (functional/transformational purpose)	Rating - 3 Software (more factual/functional than creative)	Rating - 2 Possibly large portions of code reviewed (depends on depth of reverse-engineering)	Rating - 2 Little harm to the original unless it replaces it or violates licensing terms
3	Rating - 2 Research/AI training (transformative, but may have	Rating - 2 Mixed: factual posts vs. copyrighted media content	Rating - 1 Massive amounts of data scraped, possibly	Rating - 1 Can impact the platform's control, user privacy, or data value

	commercial intent)		entire datasets	
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- Justify ratings using real cases (e.g., *Sony v. Universal* for transformative use).

Case 1: Justification

Justification: This aligns with *Campbell v. Acuff-Rose Music*, where partial use of a song in a transformative way (parody) was fair. Since the clip is brief and used for instructional purposes, it's likely fair.

Case 2: Justification

Justification: *Sega v. Accolade* upheld that reverse engineering for compatibility can be fair use if the goal is interoperability, not duplication.

Case 3: Justification

Justification: In *HiQ Labs v. LinkedIn*, courts allowed scraping of public data under some conditions, but when data is used without consent or large-scale for profit, it may violate terms or privacy laws.

Note:

Please submit through our google classroom.