



TYPES OF LINKING

SUBJECT Information Technology and Intellectual Property Rights.

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1- INTRODUCTION

The Web is a universal space of information. There are information on the Web that can be traced by computer programs, such as poetry, art, literary work which requires the full human intellect for an understanding which will always be subjective. When one makes a link, it should be able to make the link to absolutely any piece of information that can be accessed using networks.

HTML offers features for hypertext and interactive documents. Link (or hyperlink, or Web link) is the basic hypertext construct. A hyperlink points to a whole document or to a specific part of a document. Hypertext is text with hyperlinks.

A link is a connection from one Web resource to another. Hyperlinking provides with techniques for retrieval of information in a quick and easy way. It may refer directly to desired information, or may be located on another site than the linking local site. In the latter case, it may mean that IP material is not copied or used directly by the person or entity creating the hyperlinks.

2- Types of Linking

While hyperlinking occurs in other technologies, US copyright litigation has centered on HTML.¹ Accordingly, this project considers only such technology which has been centered on HTML.

HTML links are hyperlinks. When we click on a link, it jumps to another document that has proprietary media content such as portions of commercial Web sites containing Intellectual Property material.

There are basically three types of link possible through HTML namely ordinary link or simple HREF link, deep link and inline link.

¹ https://en.m.wikipedia.org/wiki/Copyright_aspects_of_hyperlinking_and_framing

2.1 – Ordinary Link

The simplest type of link is the Hypertext Reference HREF link or hyperlink or surface linking which allows a viewer to jump from one page to another. Clicking on the link instructs the browser software to go to the linked location, usually another website i.e. remote link specified or formatted in the HTML code of the linking website².

In HTML, links are defined with the <a> tag. The HTML code for a simple, ordinary hyperlink is as shown below.

```
<a href="https://www.justia.com/">Home page of Justia</a>
```

2.2 – Deep Link

Most Web sites are organized hierarchically with a home page at the top and subsequent deeper pages within the site that are reached by clickable links on the home page.³

Deep Linking refers to the technique of using a hyperlink to take a user directly to a specific page other than the top or home page. The HTML code for a deep link is mentioned below.

```
<a href="https://www.justia.com/law-schools/outlines.html">Law school  
course outlines</a>
```

*"In the context of the World Wide Web, **deep linking** is the use of a hyperlink that links to a specific, generally searchable or indexed, piece of web content on a website (e.g., "http://example.com/path/page"), rather than the website's home page (e.g., "http://example.com/")."*⁴

² <http://classic.austlii.edu.au/au/journals/MurUEJL/2004/2.html>

³ https://en.m.wikipedia.org/wiki/Copyright_aspects_of_hyperlinking_and_framing

⁴ https://en.wikipedia.org/wiki/Deep_linking

“In the context of mobile apps, deep linking consists of using a uniform resource identifier (URI) that links to a specific location within a mobile app rather than simply launching the app. Deferred Deep Linking allows users to deep link to content even if the app is not already installed.”⁵

The format of the URI used for deep linking a mobile app is often different depending on the mobile operating system.

2.2 – Inline Link

Inline linking (also known as hot linking, leeching, piggy-backing, direct linking, offsite image grabs) places material usually in the form of an image such as a Jpeg, or Gif from a distant Web site onto the Web page being viewed. One site is said to have an inline link to the other site where the object is located.

Inlining is an online protocol that allows inline link to be inserted into one webpage that allows a viewer of a particular webpage to see the graphic file that is hosted on a separate webpage.

3 - Legal Issues and Court Cases

3.1 - Issues related to Deep Linking

A link to a business-critical deep page of a Web site can be a very serious commercial matter. The link may, bypass revenue-gathering pages or make use of a page from another site which has particular value, or which was difficult or costly to produce.

Due to such threats, several lawsuits have involved complaints by proprietors of Web pages against the use of deep links. Some of the relevant and well-known cases are mentioned below.

⁵ https://en.wikipedia.org/wiki/Mobile_deep_linking

3.1.1 Ticket master v. Microsoft case

A major case involving the practice of deep linking involved Microsoft's use of deep links from its "Sidewalk" web guides. These web guides spotlighted, upcoming events in a particular area, and would provide deep links to information on specific events on interior pages of the Ticket master web site. At that time, Ticket master had recently signed an agreement to provide event information and ticket-ordering links to a competing web guide service, City Search. Through this agreement, City Search was paying Ticketmaster for what Microsoft was taking for free. Ticketmaster filed suit against Microsoft on April 28 1997, arguing that Microsoft's practices devalued Ticketmaster's site by bypassing its home page.

3.1.2 Shetland Times, Ltd. v. Jonathan Wills case

The issue presented in Shetland Times was whether the Shetland News's ("News") "deep link" to embedded pages of the Shetland Times's ("Times") web site, through the use of Times' web site's news headlines, was an act of copyright infringement under British law. ⁶The deep links permitted the user to bypass the pursuer's home page, and took the user directly to the article in question.

3.2 Issues related to Inline Linking

One of the most significant legal facts about inline linking with respect to copyright law considerations is that the inline linker does not place a copy of the graphic file on its own Internet server. Rather, the inline linker places a pointer on its Internet server that causes a user's browser to jump to the proprietor's server and fetch the image file to the user's computer. US courts have considered this a decisive fact in copyright analysis.

Inline linking to an image stored on another site increases the bandwidth use of that site even though the site is not being viewed as intended. The complaint may be the loss of ad revenue or changing the perceived meaning through an unapproved context.

⁶ 1997 F.S.R. (Ct. Sess. O.H.), 24 October 1996

4 – CONCLUSION

To a large extent it seems that the debate over the issue is shifting away from the courts as more and more companies simply set up their webpages with software that can prevent deep-linking on its own. However, until the law becomes more settled, a website owner might be well-advised avoid deep-linking to another website if there is some reason to believe that the other site discourages the practice. For example, if a site's Terms of Use agreement prohibits deep linking, it would be a good idea to respect that prohibition

Some of the potential ways to avoid liability and legal issues related to various types of linking are listed below.

Seeking Permission

The simplest way to avoid legal problems associated with linking is to ask for permission from the content owner. The following types of links may require permission:⁷

- Deep links that bypass a website's homepage and advertisements
- Links that use trademarked images from the cite that is linked
- Links resulting in framed webpages, and
- Inline links that display only certain parts of another website, often images or graphics.

Disclaimers

Disclaimers can be used with links when a website designer cannot obtain permission from the linked site.

⁷ <http://smallbusiness.findlaw.com>

5 - BIBLIOGRAPHY

- 1) <http://www.computerweekly.com>
- 2) <http://www.internationallawoffice.com/Newsletters>
- 3) <https://zvulony.ca>
- 4) <http://smallbusiness.findlaw.com>
- 5) https://en.m.wikipedia.org/wiki/Copyright_aspects_of_hyperlinking_and_framing
- 6) <http://classic.austlii.edu.au/au/journals/MurUEJL/2004/2.html>