

1. Copyright

Definition:

Copyright is a legal right that protects original creative works—like books, music, films, art, software—by giving the creator exclusive rights to use, distribute, and sell them. Others must get permission to use the work.

What is Protected?

- Literary works (books, poems, articles)
- Musical works (songs, instrumentals)
- Artistic works (paintings, sculptures, architecture)
- Technical drawings and maps
- Photographs
- Films and documentaries
- Software and computer programs
- Choreography and applied art

In Bangladesh: Defined in Section 2(7) of the Copyright Act, 2023.

Limitations:

- **Time:** Copyright lasts the creator's life plus 60 years (for literary, artistic, musical works); and 60 years from publication for films, digital content, databases, etc.
- **Geography:** Copyright is valid only in the country where it's registered unless part of an international treaty.

Fair Use:

Certain uses are allowed without permission, such as for education, criticism, commentary, news reporting, research, or teaching. It must:

- Be non-commercial or transformative
- Use only a limited portion of the work
- Not harm the market value of the original

2. Piracy and Copyright Infringement

Piracy:

Illegally copying and distributing copyrighted works, often for profit. It includes unauthorized downloads, CDs, movies, or software sold without permission.

Why Is Piracy Increasing?

- Easy digital reproduction and file-sharing
- Cheap copying and printing technologies
- Widespread use of CDs, video recorders, and the internet

Effects of Piracy:

- Consumers get poor-quality or incomplete products
- Creators and companies lose money, reducing motivation
- Governments lose tax revenue and cultural funding

Law in Bangladesh:

Punishable under Section 69 of the Copyright Act, 2023.

3. Copyright Infringement in IT

Definition:

Using copyrighted code, software, or digital content without authorization.

Important Cases:

1. **Google v. Oracle (2021)**
 - Google copied Java API code for Android.
 - The U.S. Supreme Court ruled it was fair use because it was transformative and supported innovation.
 2. **Oracle v. Rimini Street (2010–present)**
 - Rimini provided Oracle support using unlicensed copies.
 - Courts ruled against Rimini, awarding Oracle damages.
 3. **Thomson Reuters v. Ross Intelligence (2020–2024)**
 - Ross used Westlaw's legal content to train an AI tool.
 - Court rejected the fair use claim and ruled in favor of Thomson Reuters.
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4. Patent

Definition:

A patent is an exclusive right granted to an inventor for a new and useful

invention—whether it's a product or a process. It allows the inventor to stop others from making, using, or selling the invention for 20 years.

In Bangladesh: Defined in the Patent Act, 2023.

What Does a Patent Cover?

- New products (e.g., machines, chemicals, drugs)
- Manufacturing processes or methods
- Biotechnological inventions (e.g., GMOs)
- Computer-based inventions that solve technical problems

What's Not Covered?

- Abstract ideas
 - Scientific theories or math formulas
 - Natural discoveries
 - Medical treatment methods
 - Business and mental processes
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5. Conditions for Patentability

1. **Patentable Subject Matter:** Must fall into a category allowed by law.
 2. **Industrial Applicability (Usefulness):** It must be usable in practice.
 3. **Novelty:** It must be new and not publicly known before filing.
 4. **Inventive Step (Non-Obviousness):** Must not be an obvious improvement to experts.
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6. Patent Infringement

Occurs When:

A patented invention is used, sold, imported, or reproduced without permission.

To Prove Infringement:

- A prohibited act occurred (use, sale, etc.)
 - The act happened after the patent was published or granted
 - The act took place in the country where the patent is valid
 - The product or process matches the patent claims
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7. Patent Infringement in IT Sector

1. Apple v. Samsung (2012)

- Apple sued Samsung for copying iPhone's design and features.
- Apple initially awarded over \$1 billion; later reduced on appeal.

2. Microsoft v. Motorola (2012)

- Microsoft sued Motorola for high licensing fees on standard tech.
- Court favored Microsoft and helped define fair licensing (FRAND).

3. VLSI v. Intel (2021)

- VLSI sued Intel for using patented power-saving chip technology.
- VLSI awarded over \$2.1 billion by a Texas jury.