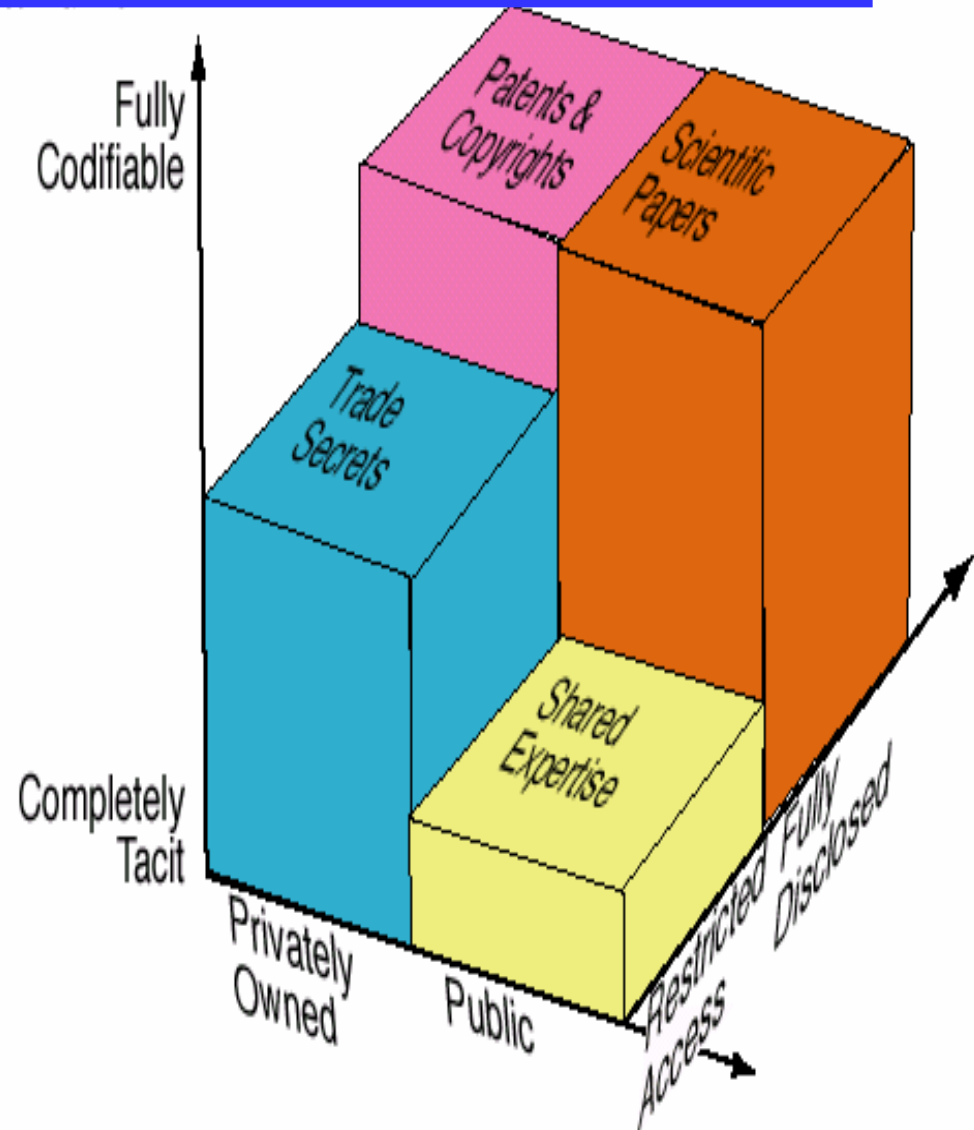


**"IPRS ISSUES IN INFORMATION RESOURCE SHARING"
EXPERIENCE AND OBSERVATIONS**

INTELLECTUAL PROPERTY RIGHTS

Intellectual Property Rights

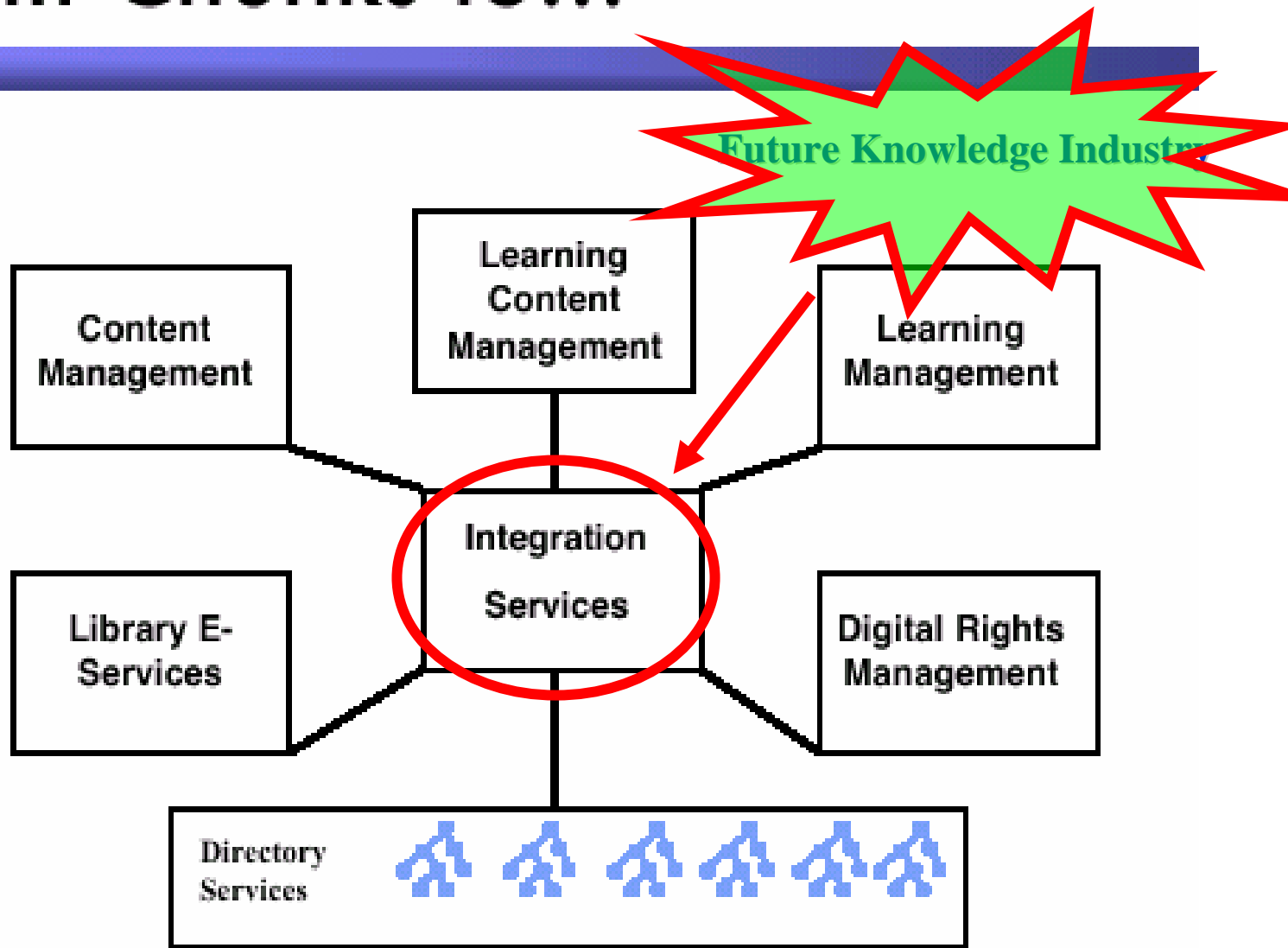
- It is not a mysterious blob or black box
- It can be understood by non-lawyers.
- It is logical & it has structure.
- Creators must manage it or they will lose it.
- Re-creators must understand it or they won't be able to work



Issues:

- 1. DRM**
- 2. On-line (Law & Cyberspace)**
- 3. Educational and Distance Learning**

From Chunks to...



ON-LINE (LAW & CYBERSPACE)

On-line (Law & Cyberspace)

- Myth 1:** “Copyright Law does not apply to material distributed over the internet – Copying and Posting.”
- Myth 2:** “If I find something on the net, its okay to copy it and use it without permission.”
- Myth 3:** “Material on the WWW is in the public domain if it’s posted without © notice.”
- Myth 4:** “Its okay to use copyrighted material in my web-page so long as no one has to pay to visit my web site.”
- Myth 5:** “My website will be a wonderful showcase for the copyright owner’s song/graphical/test, so I’m sure the owner will not object to my use of the material.”

ON-LINE (LAW & CYBERSPACE)

THINK? –

- How many of us photocopy newspaper or magazine articles to share with friends or colleagues?? – This is Copyright Infringement!!
- Copying several sentences from a copyright document that you find online to give to students to illustrate a lesson is probably *fair use*. B-U-T copying an entire document that you find on-line to give to a large number of friends and colleagues m-a-y not be *fair use*.
- When you find something on the Net that you want to use, go through the same analysis that you would if the material appeared in a more traditional medium.
- If the material is in the public domain, you are free to use it, if it is copyrighted, you need a license.
- Don't confuse a limited permission grant with a waiver of copyright. A limited permission grant is just a license to use the work in ways stated in the grant – and only in those ways.

REMEMBER –

- Pointing another web site through your site (Linking) does not involve copying.
- Mirroring could be copyright infringement.
- If your web-site offers a chat function (real time conversation) or includes a bulletin board, you may be liable for copyright infringement and other wrongs committed by users. – Operators' Liability.

Operator's Liability

- Debate: Whether system operators, or online service providers or internet access providers should be liable for libel when defamatory content is posted.
- Defamation law distinguishes between original publishers, distributors, and common carriers.

EDUCATIONAL AND DISTANCE LEARNING

- There is no statutory exception in the Copyright Act that authorizes teachers to photocopy copyrighted material for research or for classroom use.
- The copyright Law does not permit copying to create or replace or substitute for anthologies or to substitute for the purchase of books, reprints or periodicals.
- May reproduce, for research or for use in teaching or preparation for teaching any of the following:
 - A chapter from a book.
 - An article from a periodical or newspaper
 - A short story, short essay or short poem
 - A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

- Three tests:
 - Brevity: Requirement states how much to copy
 - Spontaneity: Requirement is that the copying is at the instance and inspiration of the individual.
 - Cumulative Effect: Requirement puts a limit on how much copying a teacher do in one class term.
 - Time shifting versus permanent retention (Permanent retention was held not fair use.)

CHALLENGES

- **Two very different cultures.**
 - Universities have societal mission of education, research and service based on the free exchange of ideas and access to information.
 - Industry focus on meeting customer needs in a way that maximizes profit to stockholders.
- **Challenges for both in:**
 - Rights of intellectual property,
 - Confidentiality Vs. publication,
 - Conflict of interest issues, and
 - Protection of public interest

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"You forgot your intellectual property"

Q & A