389COM: Copyright
Copyright, Marks and Patents

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What is Copyright

- Copyright is legal right that protects the use of your work once your idea has been physically expressed.
- Valid in the country of origin or certain economically co-operating countries.
- Worldwide Copyrights can be obtained.
- Copyright is automatic, and can be expressly abandoned.
- Copyright can expire (70 years after authors death in the US and EU, 95 if author is unknown), but cannot be assumed to have been abandoned.
Rights to use Copyrighted work can be granted with or without payment a fee by the Copyright Holder.

The rights to use Copyrighted work can be expressly denied, or withdrawn by the Copyright Holder.

Code that lacks a Copyright notice can not be used for 95 years, so in our terms, never.

Copyright ownership can be transferred.
Copyright cannot be arbitrarily assigned to works you did not create, or assigned to works that have fallen out of copyright.

Copyrighted names can be co-opted (e.g., Linux), but are usually returnable with enough evidence.
Copyrighting Options

- Creative Commons: code, literature, music, hardware.
- CopyLeft: Free Software Foundation (software primarily)
- Open Source: Software/Documentation/Hardware.
- Commercial: Access granted via a fee or under strict non profit conditions.
- You can create your own Copyright notice.
- Within those options there is a huge range of choices.
A symbol or name associated with a given product.

- A mark be unique enough that it won’t confuse consumers with a similar brand.
  - Names: Champagne, Oreo, Smarties
  - Symbols: Nike Swoosh, FireFox Logo, FSF Logo, Coke Swirl.

- Unlike Copyright, Marks must be protected/defended or they can be lost (Cheddar, Hoover, Aspirin), a process also known as becoming Generic, and can be used by any similar product.
Trademarks can also become effectively, if not legally, generic.

- *Can you Hoover that up, would you like an Aspirin or somesuch.*

Owning a Mark for a product does not prevent someone producing the same thing and using a different Mark for it, you need Copyright to control that.

A Trademark gives you a *Brand*, Copyright protects the products of that brand.

Some Marks predate trademark laws, so can be widely used to identify a process or class of product (Sabatier knives, Damascus steel).
Open Source Relevance

- Marks are as important in the free/open source world as in the commercial.
- Possibly less at risk of becoming generic, because there is no profit motive to re-use them.
- Free and Open Source licences, do not transfer Marks.
- Like Copyrights, Marks can be transferred/sold.
What they protect

- Patents control an idea expressed in a design (usually).
- Holding a Patent means you can prevent someone else using your idea/design in their own product.
- Patents are usually made available for a fee, but they can be licensed for a minimal fee, or none at all.
Free Patents

- Patents can be dedicated (released to the public), which means the owner allows free access to the technology it covers.
- Patent licensing abuse is rampant in the US.
- Patent Trolls are a thing.
- There is a Patent covering the Internet, which was initially conceived/created by Vince Cerf.
THINKING OF BUYING FROM AUDIBLE.COM OR iTUNES?

REMEMBER, IF YOU PIRATE SOMETHING, IT'S YOURS FOR LIFE. YOU CAN TAKE IT ANYWHERE AND IT WILL ALWAYS WORK.

BUY OR PIRATE

BUY

THINGS CHANGE

YOU'RE A CRIMINAL

YOU TRY TO RECOVER YOUR COLLECTION

BUT IF YOU BUY DRM-LOCKED MEDIA, AND YOU EVER SWITCH OPERATING SYSTEMS OR NEW TECHNOLOGY COMES ALONG, YOUR COLLECTION COULD BE LOST.

AND IF YOU TRY TO KEEP IT, YOU'LL BE A CRIMINAL (DMCA 1201).

SO REMEMBER: IF YOU WANT A COLLECTION YOU CAN COUNT ON, PIRATE IT.