

LIS-3353

Freely Available Art, Knowledge and Culture

read all the FSU rules and follow them...

--or maybe not..

Morals, Ethics, Law?

Morals, Ethics, Law?

I start here because, in this realm, there's a very very huge disjoint...

Morals, Ethics, Law?

Ideally: *Morals* → *Ethics* → *Law*.

Really, it's all over the place.

Morals, Ethics, Law?

“The Lambchop Machine”

Morals, Ethics, Law?

“The Lambchop Machine”

When X is free, when is it appropriate, if ever,
to deny X to someone?

Property!

- Simple, intuitively; 3 year olds understand it.
- law; often more complex:
“Bundle of rights and responsibilities”

Property!

STILL, fundamentally about **exclusion**.

Which makes sense for “limited” stuff; but
could be likened to a state-sponsored
monopoly

Influencers (there may be more)

- Law
- Code
- Etiquette/Norms
- Economics

Article I, Section 8, Clause 8

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

“Intellectual” “Property”

Rewarding creators is a means to an end, not the end itself.

(Sort of) Intellectual Property

- Copyright
- Patent
- ~~Trademark~~
- ~~Trade Secret~~

The weirdos
(not governed by the IP clause)

Trade Secret

Trademark

Trade Secret

- *“Privately held info that confers economic advantage or benefit”*
- Different from the others because ITS A SECRET. (think about it, the others are PUBLICLY KNOWN)
- Must “make efforts to protect”
- Perpetual
- Something like a corporate right of privacy

Trademark

- Different from the others in that it's not (theoretically) inherently valuable, but only symbolically
- “Source of Origin”
- Potentially perpetual
- Can be a very wide range of “things”
(names, phrases, logos, even sounds, smells and colors)

Trademark

Mostly not too controversial, except:

- Unfairly scoped and/or wielded (e.g. Sam Bucks Coffee?)
- Weirdly Deceptive? (Famous Amos Cookies?)
- And wait – what is FSU doing?

Definitely Intellectual Property

- Copyright
- Patent

Patent (theory)

Protects inventions and ideas

Must be:

- Novel (new)
- Non-obvious
- Useful

Theoretically Non-patentable

Naturally occurring things like – plants and algorithms.

BUT

Simply patent the “process”

Reverse Engineering v. Stealing?

Patent don't care.

This is why a lot of people oppose them
CATEGORICALLY

Design Patent?

Weird, and you'll see them more soon,
because of a shift from

- Deep descriptions
- to
- General perception

Patent in Practice (re software)

CHAOS AND WAR!

- Difficult to get if you're a little guy
- If you're big they're “easy”--
(the joke is, just add “on a computer” to anything)
- So, just buy up tons of them and point them at other companies as needed.
- (yeah, a lot of people think this is pretty ugly. e.g. “Patent Trolls”)

Copyright

- Automatic (Berne Convention)
 - but, must be registered to sue
- “Expression of an idea”
- Not infinite, but almost-- (70+life)

Fair Use

- Purpose/Character
- Nature of copied work
- Amount of copied work
- Effect on “value”

Fair Use (is weird)

- (not a right, but a defense)
 - Purpose/Character of copying work
 - Nature of copied work
 - Amount of copied work
(weird b/c “parody/satire”)
 - Effect on “value”
- + The “5th” measure. Is it icky or weird?

“Piracy”

- Extremely widespread
- Law-related responses:
 - Massive suits (RIAA)
 - Proposed Legislation (SOPA/PIPA)

PSA campaigns

- “You wouldn't download a car?”

DRM

- Digital Rights/Restrictions Management

(An attempt to make code do what other influencers don't/can't?)

DRM from an encryption POV.

- “Send a message from A to B, without C being able to intercept.”

BUT B AND C ARE THE SAME PERSON!

“Soft” DRM?

Added services + few restrictions

Steam

Netflix

Spotify?

Advertising and Information

Social Contract?

Modern Responses

- Creator Issues

“Copyleft”

(GPL/Creative Commons)

- Remember, in the US
 - Broad freedom of contract and
 - Broad freedom of licensing
 -
- Derivative works are copyrightable, so public domain is too weak for some.

Copyleft is **not not** copyright.

That is...

Copyleft IS copyright, with a different license

General Public License

- - You may copy
- - You may sell
- - You may modify
- - You may keep in house
- - But, you may NOT put out a copy that resitricts the above.

Third Party Beneficiaries?

- Re: Copyright and content?
- Who benefits re:
 - Music
 - Code
 - Crowdsourcing/ Social media content?
 - (ha, what terrible phrases)

What else?

- Libraries?
- Information Professionals?
- Copying Code/Design?
- Learning?
- Economics?

Copyright (your code)

- Technically automatic
- Probably better ways to protect
- Also, probably no one cares (yet)
- Also, watch where you got your starter code from