

# “Intellectual Property in the Digital Age”

What is Intellectual Property and how has our technology infused world impacted our understanding of it?

Adam Cottle, MIS  
Nikki Rech, MLIS

# Workshop Schedule



## Academic Research and the Ethics of Writing Series

Asa H. Gordon

### Fall 2014 Schedule



**\*\*All sessions at the Library, Room 207**

Session Title	Dates Offered	Content
Information Literacy: What is it and why does SSU want me to have it?	Wednesday, August 27 <sup>th</sup> 10-11 a.m. & Thursday, August 28 2-3 p.m.	Learn how to navigate through "information overload" to become an empowered decision-maker for life-long learning and success
Intellectual Property in the Digital Age	Wednesday, September 3 <sup>rd</sup> 10-11 a.m. & Thursday, September 4 <sup>th</sup> 2-3 p.m.	What is intellectual property and how has our technology-infused world impacted our understanding of it?
Copyright and Fair Use	Wednesday, September 10 <sup>th</sup> 10-11 a.m. & Thursday, September 11 <sup>th</sup> 2-3 p.m.	How can I legally incorporate images, video, music, and other multi-media components into my projects and presentations?
What are Credible Sources?	Wednesday, September 17 <sup>th</sup> 10-11 a.m. & Thursday, September 18 <sup>th</sup> 2-3 p.m.	Learn how to evaluate online sources, the difference between types of sources (popular vs. scholarly, primary vs. secondary), and why faculty members don't want Wikipedia in your citations.
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Rhetorical Recycling: When Can You Use Your Ideas and Writing for More than One Class?	Wednesday, December 3 <sup>rd</sup> 10-11 a.m. & Thursday, December 4 <sup>th</sup> 2-3 p.m.	Did you know you can be guilty of plagiarizing yourself? Learn how to seek instructor permission for developing work from previous courses.

# When you leave this workshop, you will be able to...

- Summarize a brief definition of **Intellectual Property**
- Identify how the internet has changed the issues surrounding **Intellectual Property**
- Summarize the original purpose of basic **Intellectual Property** Laws

# Definition:

**Intellectual Property** refers to creations of the **mind**: inventions; literary and artistic works; and symbols, names and images used in commerce.

-- World **Intellectual Property** Organization (WIPO)

# Did you Know?

- That there is a World **Intellectual Property** Organization. (WIPO)
- There are different types of IP
  - Copyright-- ©
  - Patents-- 
  - Trademarks-- **TM**
  - Industrial Designs
  - Geographical Indications-- 
- April 26 is World **Intellectual Property** Day

# Importance of IP

- Paris Convention for the Protection of Industrial Property (1883)
- Berne Convention for the Protection of Literary & Artistic Works (1886)

“**Intellectual Property** Rights allow creators of works to benefit from their own work or investment in a creation.”

--WIPO, What is Intellectual Property

# Introducing the Internet

## The World Goes Crazy!

- Creates Questions/Issues Never encountered
  - Who/What actually owns
  - How can you establish ownership
  - How can you keep track of creation
- Suddenly it's easy to share/find/locate!
- How can **CONTROL** be established?!

# David & Goliath

## Samsung vs Apple

- In 2011, Apple sued Samsung, claiming that their Galaxy products copied the look and feel of the iPhone and iPad products.
- From the filing: "Rather than innovate and develop its own technology and a unique Samsung style for its smart phone products and computer tablets, Samsung chose to copy Apple's technology, user interface and innovative style in these infringing products,"
- <http://online.wsj.com/news/articles/SB10001424052748703916004576271210109389154>



# David & Goliath

## Samsung vs Apple



<http://pctechmag.com/wp-content/uploads/2014/04/299283.jpg>

# David & Goliath

## Samsung vs Apple

- Later in 2011, Samsung counter-sued Apple, claiming that technology used in certain Apple products violated patents held by Samsung.
- <http://money.cnn.com/2013/08/08/technology/mobile/apple-samsung-timeline/>

# David & Goliath

## Samsung vs Apple

**PRODUCTS INVOLVED IN THE TRIAL:**

- iPhone 3G
- iPhone 3GS
- iPhone 4**
- iPad 2 3G
- iPod Touch

Photos: El Tiempo/Zuma Press (Galaxy S); Apple (iPhone 4)  
The Wall Street Journal  
Source: WSJ research



**Samsung Says...**

...THE IPHONE 4 INFRINGES THESE PATENTS:

- PATENT '516**  
Manages the phone's resources and battery by prioritizing data
- PATENT '941**  
Provides a way to package and transmit data more efficiently



**Apple Says...**

...THE GALAXY S INFRINGES THESE PATENTS:

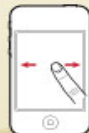
- PATENTS '087, '677**  
Ornamental design of the iPhone
- PATENT '305**  
Rounded square icons on interface



- Captivate
- Continuum
- Droid Charge
- Epic 4G
- Exhibit 4G
- Fascinate
- Galaxy Ace
- Galaxy Prevail
- Galaxy S**
- Galaxy S 4G
- Galaxy S II (AT&T)
- Galaxy S II (i9100)
- Galaxy S II (T-Mobile)
- Galaxy S II (Epic 4G)
- Galaxy S II (Skyrocket)
- Galaxy S Showcase
- Galaxy Tab
- Galaxy Tab 10.1 (WiFi)
- Galaxy Tab 10.1 (4G LTE)
- Gem
- Indulge
- Infuse 4G
- Intercept
- Mesmerize
- Nexus S 4G
- Replenish
- Transform
- Vibrant



**PATENT '711**  
A method allowing multi-tasking while playing music on the phone



**PATENT '460**  
Taking and emailing pictures using a scroll action

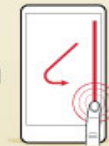
**PATENT '893**  
Switching between pictures in a gallery and the camera



**PATENT '163**  
Enlarging documents by tapping the screen



**PATENT '915**  
Distinguishes between single-touch and multi-touch gestures



**PATENT '381**  
'Bounce-back' feature when scrolling beyond the edge of a page

[http://phillihp.com/wp-content/uploads/2012/08/mk-bw708c\\_samap\\_ns\\_201208232321111.jpeg](http://phillihp.com/wp-content/uploads/2012/08/mk-bw708c_samap_ns_201208232321111.jpeg)

# David & Goliath

## Samsung vs Apple

- In May 2014, California courts awarded Apple \$119 million out of \$2 billion sought in damages.
- Apple and Samsung have decided to end patent litigation outside of the U.S., but the battles continue here.
- As recently as last week, Apple appealed a California court decision that refused a sales ban on copyright-infringing Samsung products.
- <http://www.pcworld.com/article/2600740/apple-will-keep-pushing-for-a-sales-ban-on-samsung-products.html>

# Your Dream Team

## Fantasy Football under Fire



[http://espnmediazone.com/us/files/2012/08/ESPN\\_FantasyFootball\\_Logo\\_1.png](http://espnmediazone.com/us/files/2012/08/ESPN_FantasyFootball_Logo_1.png)

# Your Dream Team

## Fantasy Football under Fire

- Grady (2007): “Fantasy Stats Case Tests Limits of Intellectual Property Protection in the Digital Age”
- Fantasy Sports Trade Association (2006): 15-18 million players, \$100 million in revenue, growth rate of 7-10%
- Do the players’ names, likenesses, etc, belong to the league? The players? The public?
- Does the First Amendment apply?
- Ultimately, courts decided that the information used in fantasy leagues is based on facts and cannot be copyrighted.

# Navigating Blurred Lines



Image courtesy theguardian.com

# Navigating Blurred Lines



[http://cp91279.biography.com/BIO\\_Mini-Bios\\_0\\_Marvin-Gaye\\_150549\\_SF\\_HD\\_768x432-16x9.jpg](http://cp91279.biography.com/BIO_Mini-Bios_0_Marvin-Gaye_150549_SF_HD_768x432-16x9.jpg)



# Navigating Blurred Lines

## Electric Piano



<http://www.thebunkerstudio.com/bunker/wp-content/uploads/2012/12/Wurly-2535.jpg>

## Cowbell/Percussion



<http://www.percussionclinic.com/images/instruments/latin/cowbell.jpg>

# Sampling: A Pop Music Tradition



<http://www.xxlmag.com/wp-content/uploads/2012/09/2pac8.jpg>

# Sampling: A Pop Music Tradition



[http://upload.wikimedia.org/wikipedia/commons/a/a8/Joe\\_cocker\\_1970.JPG](http://upload.wikimedia.org/wikipedia/commons/a/a8/Joe_cocker_1970.JPG)

# Sampling: A Pop Music Tradition



[http://www.mtv.com/crop-images/2013/08/01/the\\_notorious\\_big.jpg](http://www.mtv.com/crop-images/2013/08/01/the_notorious_big.jpg)

# Sampling: A Pop Music Tradition



[http://cps-static.rovicorp.com/3/JPG\\_400/MI0003/037/MI0003037301.jpg?partner=allrovi.com](http://cps-static.rovicorp.com/3/JPG_400/MI0003/037/MI0003037301.jpg?partner=allrovi.com)

# Sampling: A Pop Music Tradition



<http://static.tvgcdn.net/MediaBin/Galleries/Editorial/Old/O-2013/130819/VMAs/3/smallcrops/vmas-drake1sm.jpg>

# Sampling: A Pop Music Tradition



<http://eil.com/images/main/Hamilton,+Joe+Frank+%26+Reynolds+++Fallin'+In+Love+++LP+RECORD-466646.jpg>

# Sampling: A Pop Music Tradition

**Akai MPC**



<http://www.mpcsounds.com/images/mpc2000xl.jpg>

**E-mu SP 1200**



<http://plus.pointblanklondon.com/wp-content/uploads/2014/01/emu-sp1200.jpg>



# Sampling: A Pop Music Tradition

## FL Studio



## Ableton Live



<http://cdn.mos.musicradar.com/images/Tutorial%20images/Tech/fl-studio-10-tips/fl-studio-10-main-630-80.jpg>

[http://www.mediainstitute.edu/media-schools-blog/wp-content/uploads/2012/01/ableton\\_live6\\_logo.jpg](http://www.mediainstitute.edu/media-schools-blog/wp-content/uploads/2012/01/ableton_live6_logo.jpg)

# Sampling: A Pop Music Tradition

- How can these artists use someone else's music and call it their own?
- Answer: **Sample clearance.**
- In the process of sample clearance, the sampling artist must file an application to the original song's copyright holder.
- The owner of the original song's copyright decides whether or not to allow the sample and how much of a fee will be charged (on a case by case basis).

# Important Concept: Attribution

- **Attribute (verb)**

- To explain (something) as being the result of something else
- (Definition from merriam-webster.com)
  
- Through attribution, proper acknowledgement is given where credit is due.
- When attribution is practiced, the doctrine of intellectual property is upheld.

# Sampling: A Pop Music Tradition



<http://www.okayplayer.com/wp-content/uploads/2013/11/pass-the-popcorn-dan-akroyd-jill-scott-sign-on-for-james-brown-biopic2.jpg>

# Sampling: A Pop Music Tradition

- <http://www.whosampled.com/James-Brown/Funky-Drummer/>
- “Funky Drummer” sampled in 875 songs.
- This drum break is so heavily sampled because it is versatile in a musical context.
- Sampling artists include Dr. Dre, Nas, Public Enemy, Mos Def, LL Cool J, Jay Z, and Nicki Minaj.

# Sampling: A Pop Music Tradition



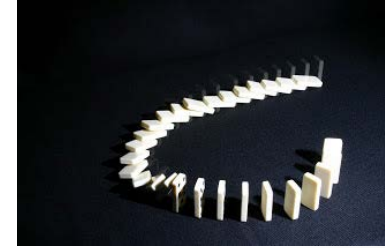
[http://supersoulsound.com/jbsuperfan/wp-content/uploads/2011/07/1970.king\\_.45.funky\\_.drummer.part\\_.1.jpg](http://supersoulsound.com/jbsuperfan/wp-content/uploads/2011/07/1970.king_.45.funky_.drummer.part_.1.jpg)

# Sampling: A Pop Music Tradition

- New York Times, March 30<sup>th</sup> 2011: “Living Legend Tries to Make a Living”
- Stubblefield: “People use my drum patterns on a lot of these songs,” he said. “They never gave me credit, never paid me. It didn’t bug me or disturb me, but I think it’s disrespectful not to pay people for what they use.”
- A bit of Georgia history: James Brown hired Clyde Stubblefield after seeing him play a gig in Macon in 1965.
- [http://www.nytimes.com/2011/03/30/arts/music/clyde-stubblefield-a-drummer-aims-for-royalties.html?pagewanted=all&\\_r=1&](http://www.nytimes.com/2011/03/30/arts/music/clyde-stubblefield-a-drummer-aims-for-royalties.html?pagewanted=all&_r=1&)

# Other Domino Effects

## Impacting Established Institutions



<http://thebookboost.blogspot.com/2012/09/the-domino-effect-with-guest-blogger-bj.html>

- <http://chronicle.com/blogs/wiredcampus/how-streaming-media-threaten-the-mission-of-libraries/54357>
- Streaming Media and Libraries
  - Big Debate
  - Content Licensing
- Publishers have more power
- Who/How will these materials be Preserved/Accessed?

<https://securegrants.neh.gov/publicquery/main.aspx?f=1&gn=HD-51139-10>



# What if...?



[http://lilac-n-lavender.blogspot.com/2012\\_01\\_01\\_archive.html](http://lilac-n-lavender.blogspot.com/2012_01_01_archive.html)



<http://vectorgoods.com/vector-cup-of-coffee/>

## Tell Them You Rise with Good Morning Coffee.

# Whoa!

## It's a lot to wrap your brain around!

- Some Thoughts...
- What does ALL of this mean to **YOU** as a Student?
  - Paper Mills
  - You Tube Videos
  - Images, Images, & MORE Images
  - Sound Bites
- Turn-It-In
  - Professors will check!
  - **You** have the chance to check too!

# Questions?/Thoughts?

- Nikki Rech – [rechn@savannahstate.edu](mailto:rechn@savannahstate.edu)
- Adam Cottle – [cottlea@savannahstate.edu](mailto:cottlea@savannahstate.edu)
  
- Asa H Gordon Library—  
[library.savannahstate.edu](http://library.savannahstate.edu)
  - 912-358-4324
  - Txt: 912-226-2479

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Library

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# Resources

- “Apple Will Keep Pushing for a Sales Ban on Samsung Products.” *PCWorld*. N.p., 29 Aug. 2014. Web. 2 Sept. 2014.
- “Funky Drummer by James Brown on.” *WhoSampled*. N.p., n.d. Web. 2 Sept. 2014.
- Kolowich, Steve. “How Streaming Media Could Threaten the Mission of Libraries.” *The Chronicle of Higher Education Blogs: Wired Campus*. N.p., 22 Aug. 2014. Web. 2 Sept. 2014.
- Pepitone, Julianne. “Apple vs. Samsung Scorecard: A Timeline of the Patent Battle.” *CNNMoney*. N.p., 8 Aug. 2013. Web. 2 Sept. 2014.
- Sherr, Yukari Iwatani Kane And Ian. “Apple: Samsung Copied Design.” *Wall Street Journal* 19 Apr. 2011. *Wall Street Journal*. Web. 2 Sept. 2014.
- Sisario, Ben. “Clyde Stubblefield, a Drummer, Aims for Royalties.” *The New York Times* 29 Mar. 2011. *NYTimes.com*. Web. 2 Sept. 2014.
- “WIPO - World Intellectual Property Organization.” N.p., n.d. Web. 2 Sept. 2014.