

How to protect and why?



Intellectual Property Rights Enforcement vs. Rights Tracking and User Information

Part I: Introduction

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How can we
implement
stronger
protection?

Q: Why protect, though?

A: Money!

Facing reality: Infringement

Google Image Search,
No legal IP enforcement in some markets,
Infringement mostly hard to discover

Mind the costs of enforcement!

Making the best of it

Q: Is the solution to tolerate infringement?

What we can learn from Stallman, Benkler, Lessig and other proponents of “free culture”

Make **more** money tolerating “infringement”!

A: Allow not all “infringement”, but some.

The “buzz” problem

It keeps you from selling your IP

In pop music, some bands give away content for free

FAIL

You don't make money that way

Works only if you have other sources of revenue

Instead: Allow only some “free riding”

Good vs. bad free riding

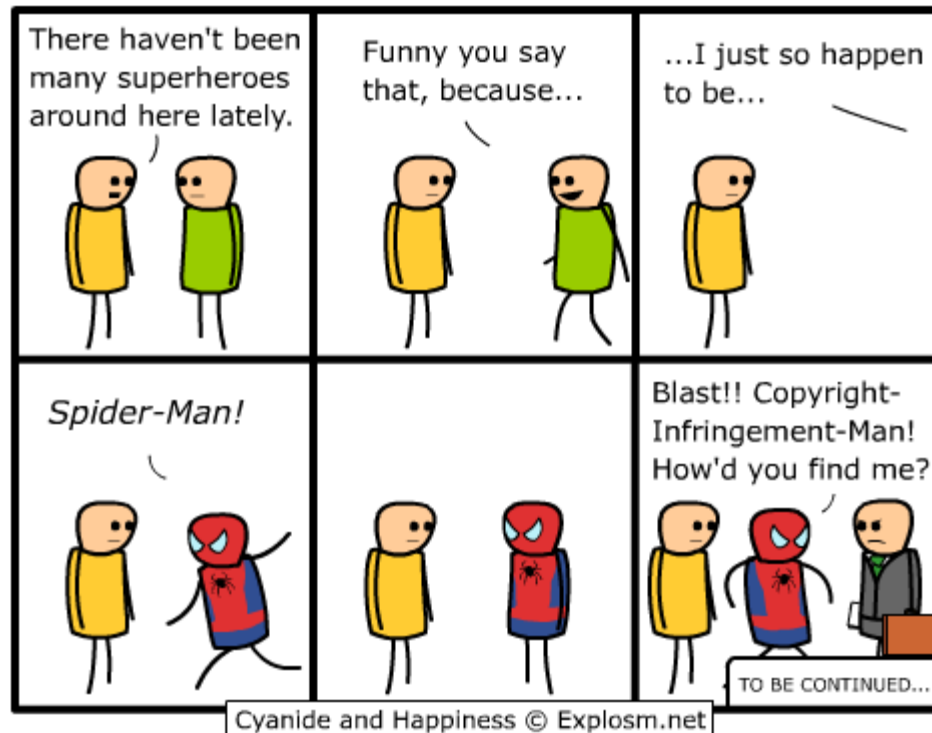
Using Fair Use

No Fair Use in EU

(My own) Definition: Uses the Law
determines to be non-infringing because
the interests of the rights holder do not prevail

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

(17 U.S.C. § 107)



Let licensees know how they can use your IP and...

You will have “buzz”
You will sell more

The Microsoft example

They never go after every infringement

De-facto monopoly through free riding

Only condition: It works as long as there remains a market for commercial licensing

The difference to FAIL

Is this dangerous? How to control free riding

Solution: Use both law and technology

Define your rights

Deploy Usage Rights Management

Use Watermarking to maintain control

Making sure enough commercial licensing remains

Controlling dissemination through watermarking technology