

DIGITAL MEDIA ETHICS

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Lecture 4

جامعة الجميع الذكية

تسعى لتكون الكيان الأول الذي يتبنى مبدأ المجتمع التعليمي
التعاوني ويقدم العلم مقابل العمل لتنمية وبناء المجتمعات.

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Copying and Distributing via Digital Media

Remember

- ** Information and privacy in the global digital Age.
- ** “Privacy” and private life: Changing attitudes in the age of social media and mobile devices
- ** “Privacy” and private life: Cultural and philosophical considerations
- ** “Privacy” and private life: Cultural differences and ethical pluralism

REMEMBER



** Introduction

- 1-What do you know about copying and distributing?
- 2-How Copyrighting Works.

** The ethics of copying: Is it theft or Open Source?

- 1- Intellectual property: (Western) approaches.
- 2- Intellectual property and culture.



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What do you know about copying and distributing?



Introduction: “When you share, post, or upload content that is covered by intellectual property rights (like photos or videos) on or in connection with our Products, you grant us a non-exclusive, transferable, sub-licensable, royalty-free, and worldwide license to host, use, distribute, modify, run, copy, publicly perform or display, translate, and create derivative works of your content (consistent with your privacy and application settings).”

What do you know about copying and distributing?

“We work closely with our member record companies to ensure that fans, parents, students, and others in the business have the tools and the resources they need to make the right listening, purchasing and technical decisions. We also work hard to protect artists and the music community from music theft.”



Recording Industry Association of America [RIAA], “About Piracy,”



What is Copyright?

A copyright is a **type of intellectual property** that **gives** its **owner** the **exclusive right** to **copy**, **distribute**, **adapt**, **display**, and **perform a creative work**, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form.

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What do you know about copying and distributing?

Copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression. In copyright law, there are a lot of different types of works, including paintings, photographs, illustrations, musical compositions, sound recordings, computer programs, books, poems, blog posts, movies, architectural works, plays, and so much more!



Chapter 03

What do you know about copying and distributing?



Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea itself. A copyright is subject to limitations based on public interest considerations, such as the fair use doctrine in the United States.

Copyrights can be granted by **public law** and are in that case considered "**territorial rights**". This means that copyrights granted by the law of a certain state **do not extend** beyond the territory of that specific jurisdiction.

Territorial Rights



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What do you know about copying and distributing?



Copyrights of this type **vary** by **country**; many countries, and sometimes a large group of countries, have made agreements with other countries on procedures applicable when works "cross" national borders or national rights are inconsistent.

Copyright is originality and fixation

Original Works

Works are original when they are independently created by a human author and have a minimal degree of creativity.

Independent creation simply means that you create it yourself, without copying.

Original
Works



Fixed Works

A work is fixed when it is **captured** (either by or under the authority of an author) in a sufficiently permanent medium such that the work can be **perceived**, **reproduced**, or **communicated** for more than a **short time**. For example, a work is fixed when you write it down or record it.

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What do you know about copying and distributing?

Overview of the concept:

The concept of copyright first **developed** in **England**. In reaction to the printing of "scandalous books and pamphlets", the English Parliament passed the Licensing of the **Press Act 1662**, which required all intended publications to be registered with the government-approved Stationers' Company, giving the Stationers the right to regulate what material could be printed.



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What do you know about copying and distributing?



Copyright laws allow products of creative human activities, such as literary and artistic production, to be preferentially exploited and thus incentivized.

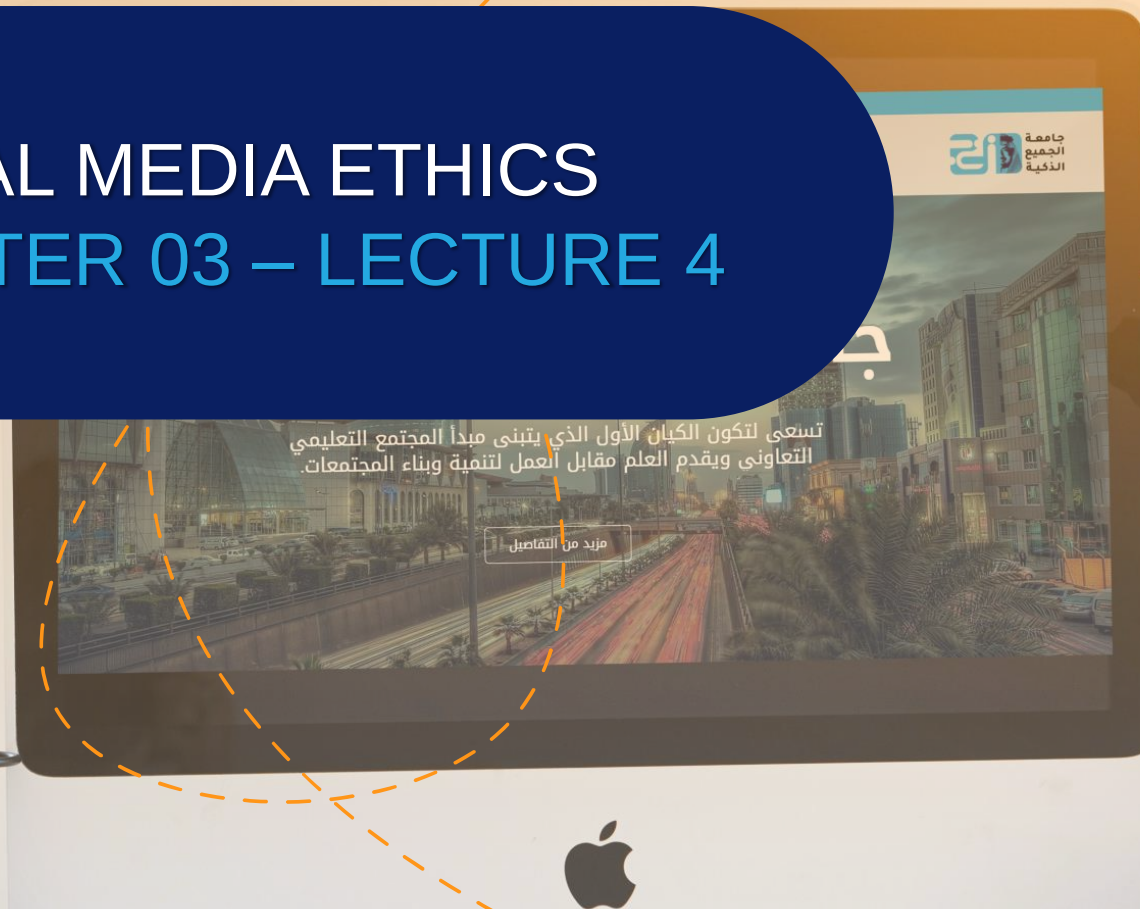
Different cultural attitudes, social organizations, economic models and legal frameworks are seen to account for why copyright emerged in Europe.

Copyright has developed into a concept that has a significant effect on nearly every modern industry, including not just **literary** work, but also forms of **creative work** such as sound recordings, films, photographs, software, and architecture.



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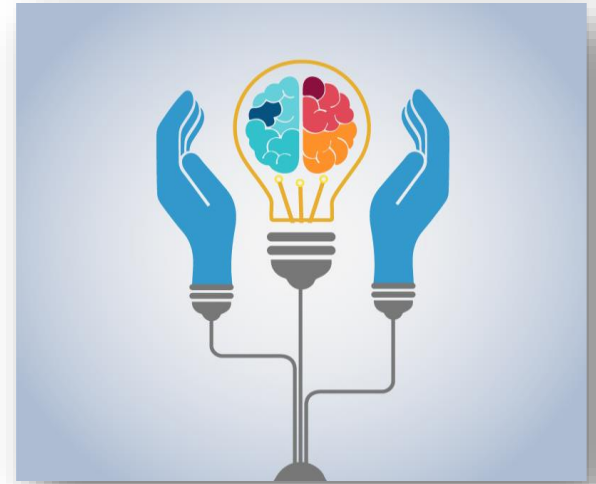
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How Copyrighting Works

When someone **creates** a product that is viewed as **original** and that required significant mental activity to create, this product becomes an **intellectual property** that must be protected from unauthorized duplication.





Examples of unique creations include computer software, art, poetry, graphic designs, musical lyrics and compositions, novels, film, original architectural designs, website content, etc. One safeguard that can be used to legally protect an original creation is copyright.

Under copyright law, a work is considered original if the author created it from independent thinking void of duplication.

This type of work is known as an Original Work of Authorship (OWA).

Anyone with an original work of authorship automatically has the copyright to that work, preventing anyone else from using or replicating it.





Not all types of work can be copyrighted. A copyright does not protect ideas, discoveries, concepts, or theories. Brand names, logos, slogans, domain names, and titles also cannot be protected under copyright law. For an original work to be copyrighted, it has to be in tangible form.

This means that any **speech, discoveries, musical scores, or ideas** have to be written down in **physical** form in order to be **protected** by copyright.

In the U.S., original owners are protected by copyright laws all of their lives until 70 years after their death.





If the original author of the copyrighted material is a **corporation**, the copyright protection period is 95 years from the date of publication or 120 years, whichever expires first.

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The ethics of copying: Is it theft or Open Source?

Intellectual property: (Western) approaches



As we saw in chapter 1, there are a number of characteristics of digital media that **make** the **copying** and **distribution** of various kinds of information – whether representing software, a text, a song, or video, etc. **much easier** than with analogue media.

Intellectual property: (Western) approaches



That is, once we have **access** to the various components required – access that, despite the grave difficulties of the “digital divide,” is likewise growing rapidly around the world – **copying** and **distributing** a file in **digital format** is both trivially **easy** and all but **cost-free**.

Intellectual property: (Western) approaches

Moreover, the **general rules, guidelines, and laws** applicable to such copying are **wide-ranging** and **frequently shifting**.



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The ethics of copying: Is it theft or Open Source?

Intellectual property: (Western) approaches



In its ongoing **battle** against **illegal music downloading**, the entertainment industry relentlessly lobbies for more stringent laws intended to stop (or at least slow down) widespread distribution of music and video files on the internet via **peer-to-peer** (p2p) file-sharing networks.

Intellectual property: (Western) approaches

These industries have likewise pushed for digital rights management (DRM) and copy protection schemes also designed to prevent illegal copying or piracy. Such efforts are backed in the United States by the Digital Millennium Copyright Act (DMCA) of 1998.



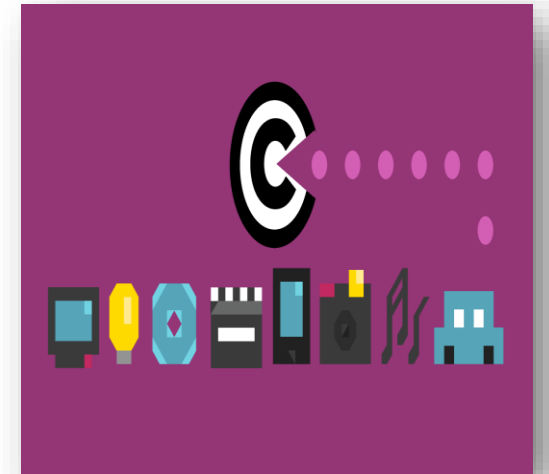
Intellectual property: (Western) approaches



Copyright in the United States and Europe To start: as Dan Burk (2007) characterizes it, intellectual property (IP) law in the United States is shaped by a utilitarian ethic, one that argues that copyright and other forms of intellectual property protection are justified as these contribute to the larger public good over the long run.

Intellectual property: (Western) approaches

That is, proponents of this view believe that authors, artists, software designers, and other creative agents will take the trouble to innovate and develop new products and services that will benefit the larger public only if those agents can themselves be assured of a significant personal reward in terms of money or other economic goods.



Intellectual property: (Western) approaches



This means in practice, however, that it is **principally** the **industries** that have a **strong economic** interest in **copyright** and other protections that hence argue and lobby for such protections. Indeed, the interests and possible benefits of the individual agent are **secondary** in this view.

Intellectual property: (Western) approaches

By contrast, **European approaches** to copyright can be characterized as **more deontological in character**. As Burk puts it: copyright is justified as an intrinsic right of the author, a necessary recognition of the author's identity or personhood.



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The ethics of copying: Is it theft or Open Source?

Intellectual property: (Western) approaches



The general **rationale** for copyright in this **tradition** regards creative work as an **artefact** that has been **invested** with some measure of the author's personality or that reflects the author's **individuality**. Out of respect for the autonomy and humanity of the author, that artefact deserves **legal recognition**.

Intellectual property: (Western) approaches

The US dominance in these domains is criticized across the globe for numerous reasons – including, for example, how the US frameworks and market dominance work to the disadvantage of developing countries and especially indigenous peoples.



Intellectual property: (Western) approaches



Specifically, the US presumptions of music, film, and so on as individual and exclusive property directly contradict cultural frameworks and traditions that treat many forms of property as public goods instead: these, by default, are openly sharable by community members. Such conceptions of property as shared and inclusive rather than as individual/exclusive are at the heart of a third ethical response to these sorts of dilemmas – namely, copyleft/FLOSS.

Intellectual property and culture

The differences between US and EU approaches to copyright suggest, our attitudes and approaches to matters of intellectual property – specifically, how far, by whom, and under what circumstances such materials may be justifiably shared – are strongly shaped by culture.



Intellectual property and culture



As a further example: **US copyright law** is moderately clear with regard to what counts as “**fair use**” for teaching and research purposes – at least as far as printed materials are concerned.

In particular, under most **circumstances**, it is **illegal** to make, say, **photocopies** of an entire **book** that would be then **distribute** to **students** at the beginning of the semester for their use during the course.

Intellectual property and culture

On the other hand, in the **US** you would be allowed to place original materials, such as **articles or book chapters**, on **reserve** for students in the library; they are then **free** to **check out** these materials and make copies of them – as part of their “**fair use**” of these materials as students.



Intellectual property and culture



By contrast, **European copyright law** makes no equivalent provisions for “**fair use**.”

And, on the **third hand**, in **Thailand** you may receive a highly cherished gift from some students: a nicely photocopied version of an important book in philosophy of technology for example, complete with a carefully crafted cover, on which the students inscribed their names.

Intellectual property and culture

In **US circumstances**, this could only be seen as a crass violation of **copyright law**: in the **Thai context**, this copying was seen to be a **mark of respect**, both for the (famous and well-known) author of the text and for you as the recipient of the gift.



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*Thank you
for
listening 😊*



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