

Intellectual property rights on the internet

source: <http://www.interparty.org/intellectual-property-rights-on-the-internet.html>

Without doubt, the internet has created a serious issue in regards to intellectual property rights and the protection of those rights. Prior to the broad usage of the internet and availability of free software, it was much more difficult to steal another's works. Indeed, people copied albums onto cassette tapes, and others plagiarized books in order to garner better grades at school, but the incidences were not as widespread, and not necessarily for profit. Today, however, "stealing" has become mainstream.

Admittedly, not all people who download music or copy content do it intentionally. They assume that because it is accessible, it is free for the taking. But the fact is, whether it appears okay, does not make it legal. In fact, users of the internet have been conditioned to believe that everything is free, as information, graphics, lyrics, source codes, and ideas are openly available for all to see and use. Further, most people do not apply the same precautions to the internet as required when writing in print. Footnotes and bibliographies utilized to credit appropriate authors are abandoned in favor of using the works as one's own. But again, the internet is "loosey-goosey", causing people to throw etiquette to the wind even though their actions are illegal. And of course, there are those sinister thieves who just want to make some quick cash off of someone else's hard work.

So we are faced with the question:
Do intellectual property owners have any rights on the internet and if so, what are they?

Whether or not an inventor, author, songwriter, or designer understands and uses the internet, he/she will undoubtedly come into conflict with the underlying currents of the internet. Someone will post his/her work somewhere. And since this activity is illegal, steps should be taken to protect one's rights. Regardless of whether everyone is doing it and

whether websites and software facilitate the theft of intellectual property, the owners have a right and a duty to safeguard their intangible assets.

In a very broad sense, following are a few ways in which intellectual property owners can establish their rights.

1. Trademark and patent everything that is permitted under the law.
2. Look for ways to internationally protect the property such as the Madrid System.
3. Research and understand all obligations and rights as it pertains to intellectual property, especially those that have been registered. Also, read material from the EU Copyright Directive, WIPO treaties, and ICANN.
4. If building a website, use all available insignias such as copyright, trademark, and registered symbol.
5. At the bottom of each page, especially when articles are present, use the word copyright and the years involved.
6. Clearly state on the website that all property is protected and any use of the content will be prosecuted. Deterrence deters many individuals.
7. Stay proactive in pursuit of offenders. While it will be difficult and time consuming to find every incidence of theft, it is advisable to “nip all issues in the bud”. Once someone has posted the works, send a strongly worded letter (also known as a Cease and Desist). Again, many people will be frightened into removing the stolen material or at least providing proper credit if permissible.
8. Use digital intellectual property programs such as encoded watermarks.
9. File UDRPs if necessary. Known as Uniform Domain Name Dispute Resolution Policy, this will help to stop those persons using similarities in domain names which constitute violations or infringements of a trademark or confusion for a brand.