

# Online Privacy and Intellectual Property

Dannelly's CSCI 101 class

Legal Issues

## Workplace Privacy

- Question: How much privacy are you entitled to at work? Is your company allowed to read your email? ...
- Answer: They can do almost anything. It is their office, their phone, their computer, etc.



## Online Privacy



- **Does shopping online give you more or less privacy than shopping at a real store?**
  - more privacy - your neighbors will not see you there
  - less privacy - online shopping gives the company much more info about you (exactly what you looked at, how long you looked, etc...)
- **Your Digital Footprint**
  - Companies like ChoicePoint and DoubleClick.com gather huge amounts of information about you - your web surfing habits, your credit information, your age and race, your purchasing habits, etc.

## Privacy v. Government



- **4<sup>th</sup> Amendment to the U.S. Constitution**

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*
- **Patriot Act**
  - allows officials to track emails without showing probable cause
  - warrants for some records do not require probable cause
  - tapped device does not have to be owned by the suspect
  - etc...

## Intellectual Property

- **Intellectual Property** is any unique product of the human intellect that has commercial value.

- For example: books, songs, movies, software

- **US Constitution**

*The congress shall have the power to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.*

## Intellectual Property Court Cases throughout the Years

- **Sony v. Universal Studios**

- better known as the "Betamax Case"
  - By a ruling of 5-4 in 1983, the U.S. Supreme Court ruled that it was legal to own a VCR.
  - Even though a VCR can be used to copy a copyrighted movie (illegal to do!!!), a VCR can also be used for making copies of non-copyrighted material (legal to do).

- **MGM v. Grokster**

- In 2005 the U.S. Supreme Court ruled unanimously against Grokster because 90% of its content was copyrighted material (illegal), even though Grokster might also be used to share non-copyrighted material (legal).

## Digital Millennium Copyright Act

- making **any** copy of a digital copyrighted work is prohibited
  - eg. making a backup copy of a software application is illegal (unless the maker says okay).
- illegal to possess the technology to circumvent copyright protection technology
  - eg. figuring out how to decode a DVD that you own is illegal