

Digital Futures



Intellectual Property - Class 5 - Futures

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Class schedule

Class	Topic
9/9	Introduction A ridiculously fast history of intellectual property in America
9/23	Copyrights
9/30	Trademarks
10/7	Patents
10/14	Digital futures



Course materials are on:
<https://queenlake.com/wise-2021/ip4us/>

Where we've been

- › Intellectual property overview
- › Copyright
- › Trademark
- › Patent



This person does not exist.
[\[thispersondoesnotexist.com\]](http://thispersondoesnotexist.com)



What is an International Patent Application?

While global patents don't exist, you can come close with an International Patent Application. This is a patent application submitted through the Patent Cooperation Treaty (or PCT). It's important to note that the application itself is NOT the same as a patent. Rather, it is more like...



A Delay Fuse:

Giving you more time before you decide where you'll apply for regional patents (or in other words, where you'll spend your money).



A Placeholder:

Saving your spot in line for the next stage (the regional stage) of a foreign patent.



A Pre-Screening:

Informing you about the likelihood of patentability in foreign markets before you take the plunge.

International Patents



International Patent Cooperation [\[Link\]](#)

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UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto



Europaisches
Patentamt

European
Patent Office

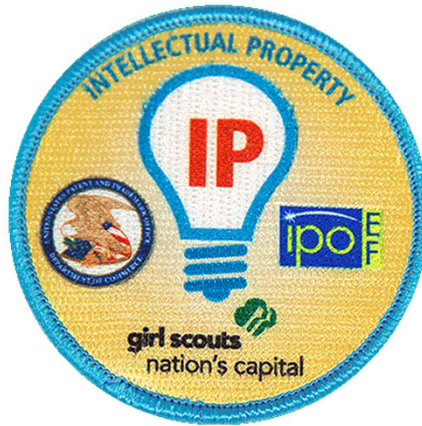
Office européen
des brevets

The Patent Application: A Comparison between Europe and the U.S. [\[Link\]](#)



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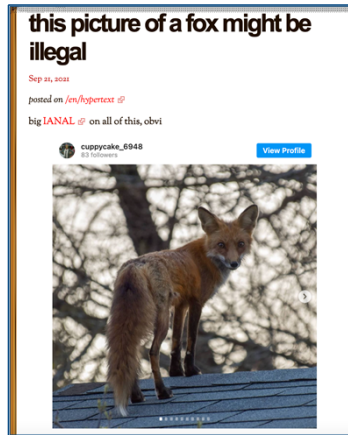


Girl Scouts "intellectual property" Patch [\[Link\]](#)



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See also Scouts BSA (formerly Boy Scouts) defense against Girl Scouts' trademark suit:
<https://www.techdirt.com/articles/20210915/10164047565/scouts-bsa-seek-to-end-girl-scouts-trademark-lawsuit-brazenly-claiming-no-confusion-does-will-exist.shtml>.
We'll talk about this when we discuss trademarks.



this picture of a fox might be illegal [\[Link\]](#)



About "[server test](#)"



Hunter Finds Lost GoPro Filled with Footage Shot by a Bear [\[Link\]](#)





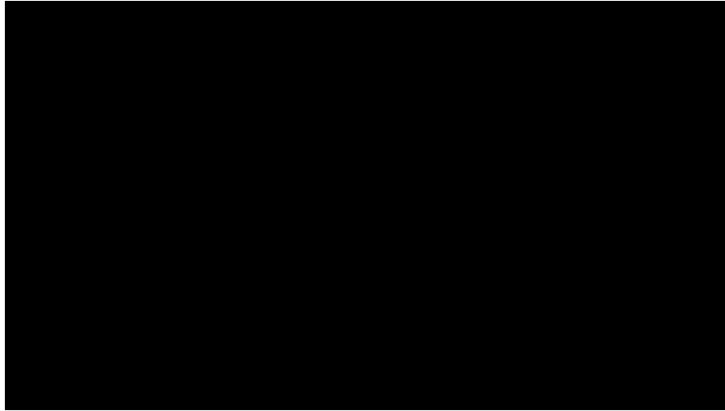
What is copyrightable in a virtual reality world?

A Brief Overview of the Metaverse and the Legal Challenges It Will Present [\[Link\]](#)



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The Turtles, copyright, and royalties



Royalties on pre-1972 recordings

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There was no federal copyright protection for recordings until 1972. Many states, including California, had its own copyright laws covering recordings and with those laws came royalties.

FROM THE STATUTE OF ANNE TO Z.Z. TOP: THE STRANGE WORLD OF AMERICAN SOUND RECORDINGS, HOW IT CAME ABOUT, AND WHY IT WILL NEVER GO AWAY [\[Link\]](#)

Howard Kaylan ("Eddi") and Mark Volman ("Phlorescent Leech", aka "Flo") were prohibited by earlier contracts from performing as The Turtles. They performed as Flo and Eddie



Resisting Face Surveillance with Copyright Law [\[Link\]](#)



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Access denied

This website is using a security service to protect itself from online attacks.

- Ray ID: 69cfd4fcdb1ccc0
- Timestamp: 2021-10-12 11:06:45 UTC
- Your IP address: 71.88.100.243
- Requested URL: www.annefrankmanuscripten.org/
- Error reference number: 1020
- Server ID: FL_16F222
- User-Agent: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/94.0.4606.81 Safari/537.36

Het spijt ons...

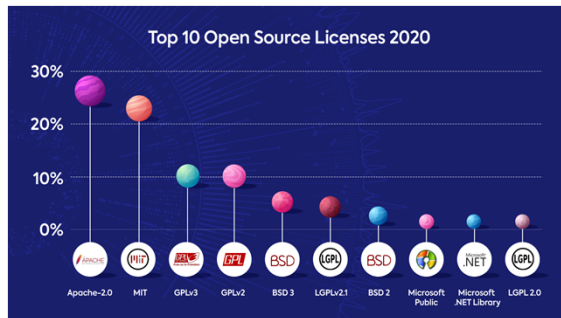
- Deze website is vanuit uw land niet toegankelijk.
- De wetenschappelijke online editie van de manuscripten van Anne Frank kan om **auteursrechtelijke redenen** niet in alle landen beschikbaar worden gemaakt.
- De online publicatie wordt verzorgd door de Vereniging voor Onderzoek en Ontsluiting van Historische Teksten, Avenue Louise 209a / Louizalaan 209a, 1050 Brussel (België).

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Anne Frank's complete manuscripts go online for the first time [\[Link\]](#), but not everywhere.





License	Type of use	Symbols
Attribution (BY)	You must credit the creator, the title and the license the work is under.	
Non Commercial (NC)	The work cannot be used for commercial purposes.	
No Derivatives (ND)	The work can only be used exactly how it is. The work cannot be adapted or modified in any way.	
Share Alike (SA)	Any new material produced using the work must be made available under the same license as the original work.	
Public Domain CC0	The copyright holder has voluntarily waived their rights and the work can be freely used	
Public Domain	The copyright of the work has expired and it is free of known copyright restrictions	

Open Source and Creative Commons licenses



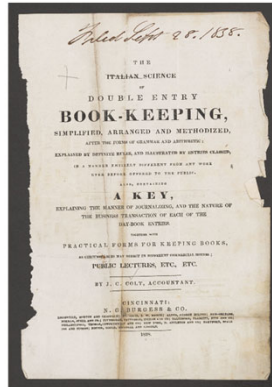
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The legal meaning of the GNU copyleft is less important than the spirit, which is that Emacs is a free software project and that work pertaining to Emacs should also be free software. “Free” means that all users have the freedom to study, share, change and improve Emacs. To make sure everyone has this freedom, pass along source code when you

distribute any version of Emacs or a related program, and give the recipients the same freedom that you enjoyed.

[What is the real legal meaning of the GNU copyleft?](#)



By the People: Transcribe Early Copyright Applications
[\[Link\]](#)



"Somewhere at Google there is a database containing 25 million books and nobody is allowed to read them."

– James Somers [\[Link\]](#)

What about out-of-print books?





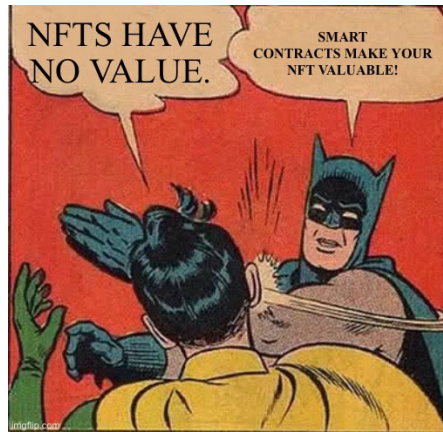
Unicolors EH101 Design



H&M Xue Xu Design

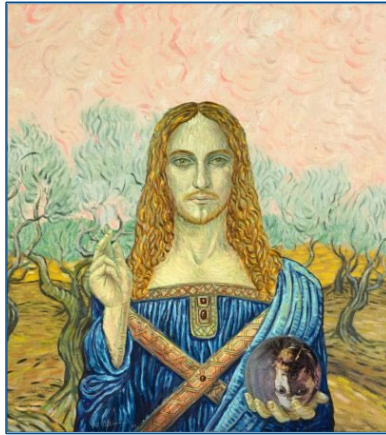
Justices to tackle copyright dispute next term [\[Link\]](#)





NFT





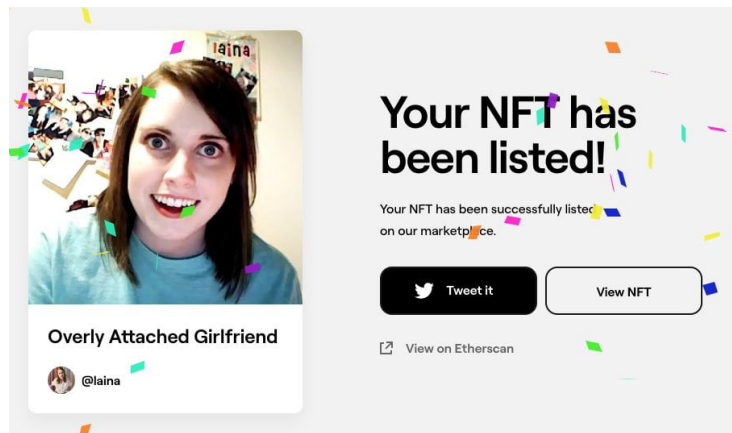
Genuine fake paintings for sale



Notorious art forger Wolfgang Beltracchi enters the NFT world [\[Link\]](#)

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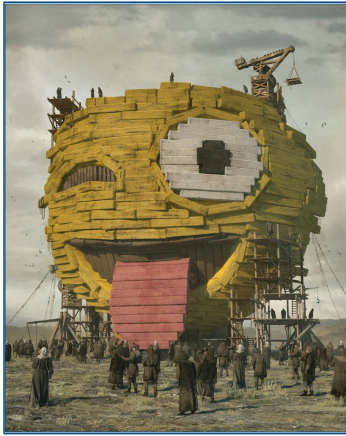
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People Don't Understand NFTs [\[Link\]](#)



Overly Attached Girlfriend NFT sells for \$400K



Bitcoin, NFT, and energy



NFTs Are Hot. So Is Their Effect on the Earth's Climate [\[Link\]](#)

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Evel Knievel Trademark Stunt Falls Short [\[Link\]](#)



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Trademark: Uggs are generic in Australia, Can I import them without a license from UGG®? [\[Link\]](#)



SCOTUS: No

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No Immunity: State Right of Publicity Law is § 230 “Law Pertaining to Intellectual Property” [\[Link\]](#)



'My image was captured by a bodega security camera — then used to sell porn' [\[Link\]](#)

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Some College Athletes Cash In While Others Lose Out [\[Link\]](#)



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University of Alabama quarterback Bryce Young, who by late July had already earned close to \$1 million in endorsement deals



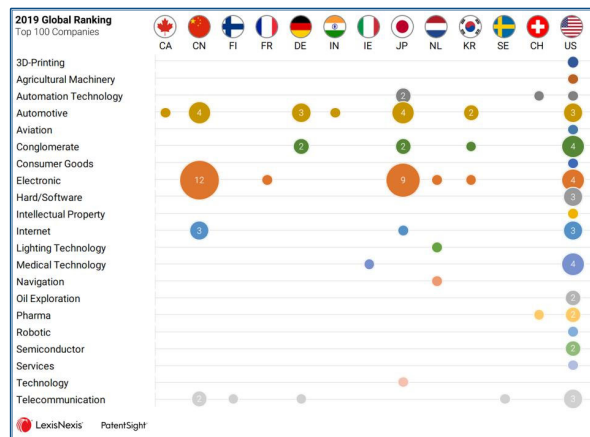
Peter Parker Losing his Trademark in Amazing Spider-Man #75 (Spoilers); Bleeding Cool, October 6, 2021 [\[Link\]](#)



Two key patent cases

- ▶ Alice Corp. v. CLS Bank International (2014) [[SCOTUS Link](#)]
 - Establishes *de facto* software patents by adding an "inventive concept" to a patentable product
- ▶ Mayo Collaborative Services Inc. v. Prometheus Laboratories Inc. (2012) [[SCOTUS Link](#)]
 - While invalidating a diagnostic patent held by Prometheus Laboratories, SCOTUS ruled that the patent simply applied the laws of nature in its testing.





The Most Innovative Tech Companies Based On Patent Analytics [\[Link\]](#)



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- Microsoft, Apple, and IBM lead the world in hardware & software patent innovation according [PatentSight](#).
- Samsung, Johnson & Johnson, LG Electronics. Alphabet, Qualcomm, Ford, Intel, Microsoft, Sony, and VW are the ten most innovative companies in the world, according to PatentSight's patent analytics research.
- Ford leads the global automotive industry in patent innovation, due in large part to successful R&D efforts in autonomous driving.



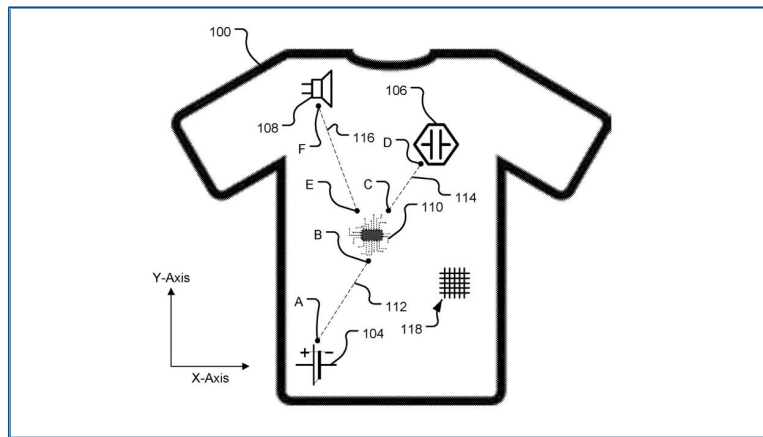
Chewy Sues IBM Calling It A Patent Troll Citing Suits Against Expedia & Zillow in SDNY [\[Link\]](#)



CHEWY, INC., Plaintiff, v. INTERNATIONAL BUSINESS MACHINES CORPORATION, Defendant. [\[Link\]](#)

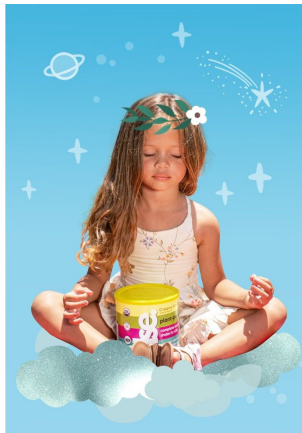
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Microsoft wants to turn your shirt into a compute [\[Link\]](#)





Else Nutrition Receives Key U.S. Patent Notice of Allowance for Use in Functional Food [\[Link\]](#)

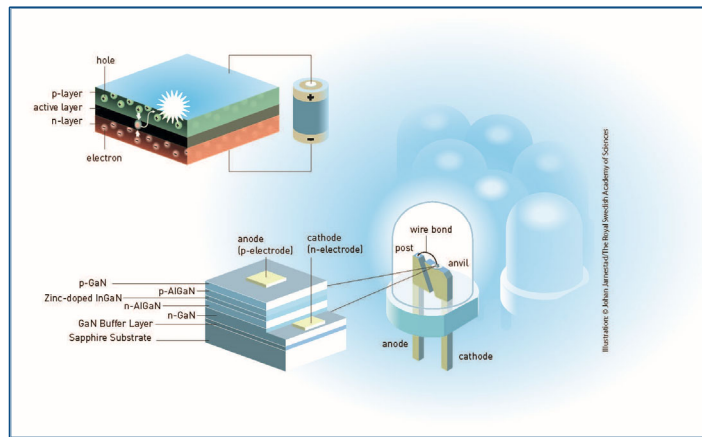


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Functional foods are foods that have a potentially positive effect on health beyond basic nutrition. Proponents of functional foods say they promote optimal health and help reduce the risk of disease. [\[Link\]](#)

What is a Notice of Allowance?

A Notice of Allowance is a document sent to a [patent](#) applicant from the United States Patent and [Trademark](#) Office (USPTO) after a [patent examiner](#) has decided to issue the requested patent.



Japanese Company to Pay Ex-Employee \$8.1 Million for Invention



Nobel winner Shuji Nakamura initially got less than \$200 for his creation.



Activists carry coffins down Whitehall ahead of Covid-19 vaccine patent talks [\[Link\]](#)





The TRIPS intellectual property waiver proposal: creating the right incentives in patent law and politics to end the COVID-19 pandemic [\[Link\]](#)

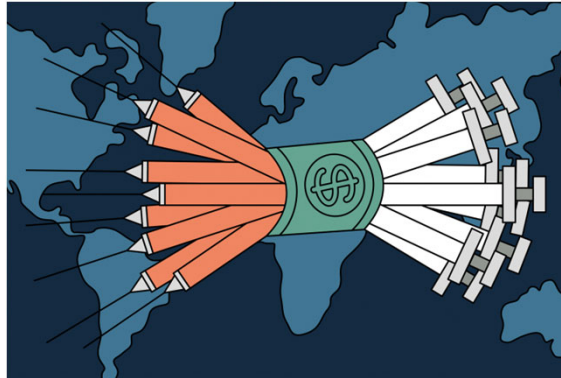


Trade-Related Aspects of Intellectual Property Rights (TRIPS)



Moderna, Racing for Profits, Keeps Covid Vaccine Out of Reach of Poor [\[Link\]](#)





For Global Vaccine Access, Overhaul the Patent System
[\[Link\]](#)





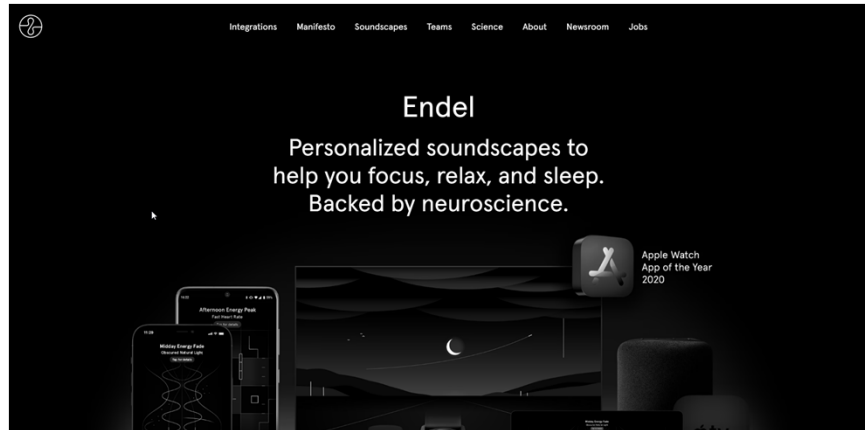
Studying patents may identify potential areas of advancement for future vaccines



Ebola as a case study for the patent landscape of medical countermeasures for emerging infectious diseases [\[Link\]](#)

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Why AI Music Scares Lawyers [\[Link\]](#)



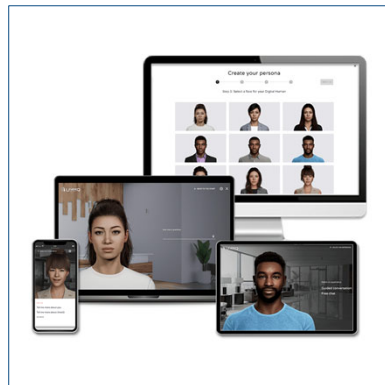


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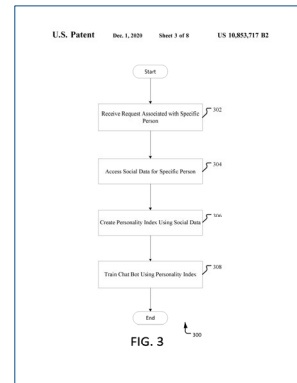


**Australian court rules an AI can be considered an inventor
on patent filings [\[Link\]](#)**

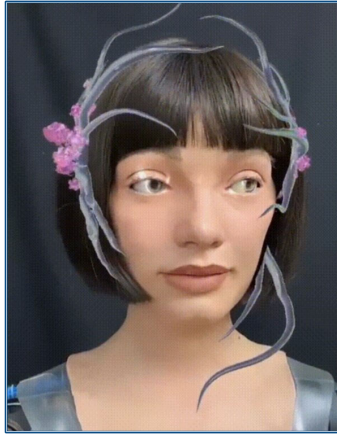




Build your own digital human [\[Link\]](#)



AI chat bots can bring you back from the dead, sort of [\[Link\]](#)



Ai-Da



The world's first ultra-realistic humanoid robot artist [\[Link\]](#)

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AI Can Create Art, but Can It Own Copyright in It, or Infringe?

Read the full article in
The Lexis Practice Advisor Journal™
Spring 2019 Edition

Copyright Laws and Artificial Intelligence [\[Link\]](#)



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What else did we learn?

► Copyright

- The © is important, but not sufficient
- Fair use
 - What is the content?
 - How much are you using?
 - For what purpose?
 - What is the effect on the value of the copyrighted item?

► Trademark

- TM vs. ®
- Likelihood of confusion
- Use it or lose it

► Patent

- Novel, useful, non-obvious





