

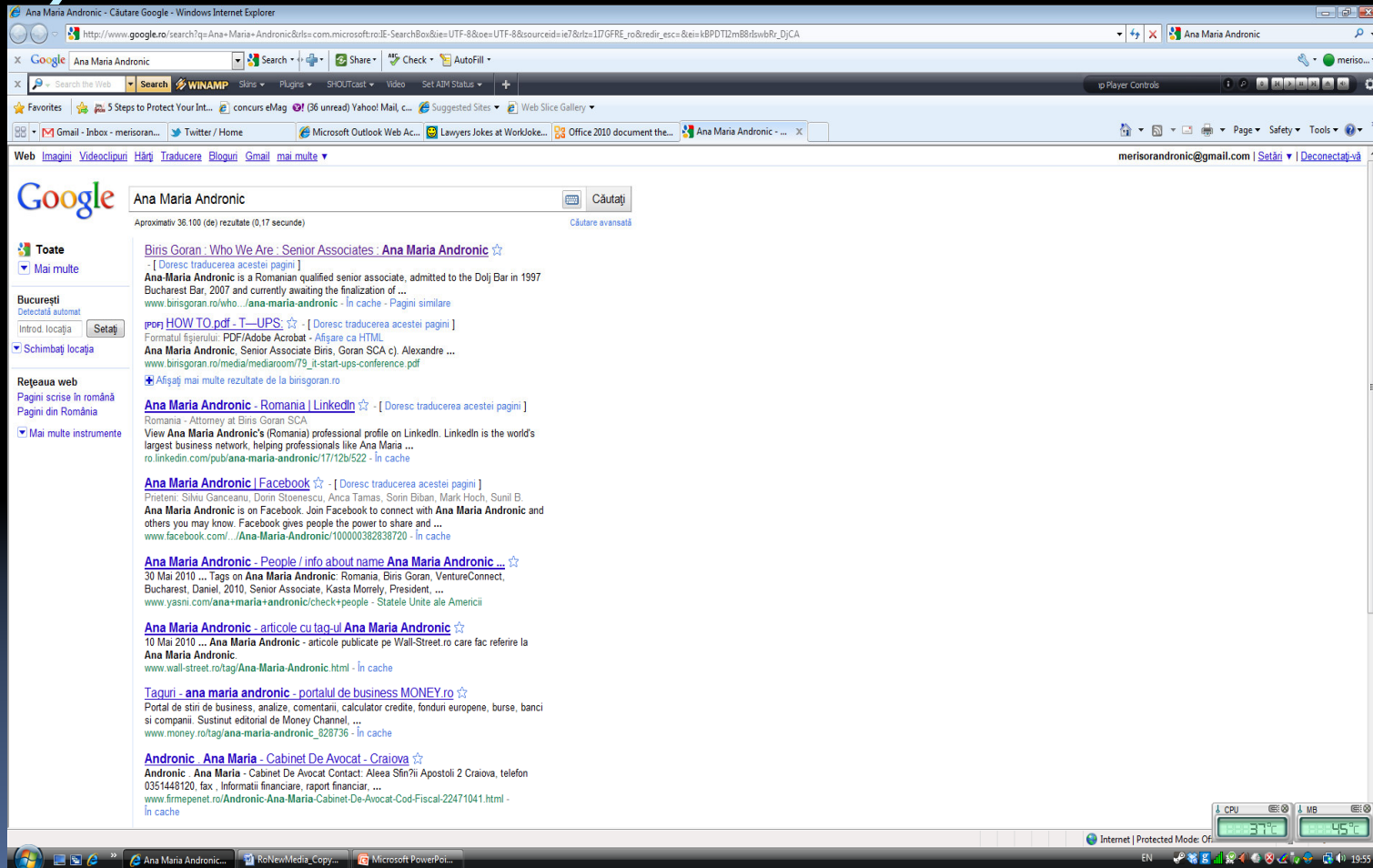
New Media Tools: Problems or Opportunities for Entrepreneurs?

**NAVIGATING AN IT/ON-LINE
BUSINESS THROUGH DIGITAL
COPYRIGHT**

What's the deal with the ©
?

It's a small symbol for a **big**
concept...COPYRIGHT

GOOGLE CACHE (*FIELD V. GOOGLE*, 2004)



What is copyright?

Copyright gives a creator the right to control

- Reproduction (copying)
- Distribution of copies
- Public display

of his/her work by others.

What does copyright protect?

Copyright protects works like:

- Literary works
- Web pages
- Computer software

that have been fixed in a tangible medium

What is infringement?

The use of whole or part of a work without permission from the copyright owner.

GOOGLE CACHE (CONT'D)

Three defenses:

(1) The implied license

The act of posting a webpage on the Internet constitutes the granting of an implied license

WARNING! Caution with Romanian law!

GOOGLE CACHE (CONT'D)

(2) Fair Use

*Allows for the reproduction (copying) of parts of copyrighted works **without permission** of the copyright owner for purposes such as:*

GOOGLE CACHE (CONT'D)

(2) Fair Use

- criticism
- commentary
- news reporting
- teaching
- scholarship or
- research

GOOGLE CACHE (CONT'D)

Fair Use

4 factor analysis:

- Purpose of the use – Google
- Nature of the copyrighted work – Mr. Field
- Relative amount taken - Ø
- Market effect - Google

GOOGLE CACHE (CONT'D)

(3) Safe Sailing:

OSPs beware of the Digital Millennium Copyright Act (DMCA) and Safe Harbor Provisions

"A service provider shall not be liable for monetary relief (...) for infringement of copyright by reason of the intermediate and temporary storage material on a system or network controlled or operated by or for the service provider."

Questions?