<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th>Protecting content in an online environment</th>
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<tr>
<td><strong>Author(s)</strong></td>
<td>Toh, See Kiat</td>
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<td><strong>Date</strong></td>
<td>2000</td>
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<tr>
<td><strong>URL</strong></td>
<td><a href="http://hdl.handle.net/10220/3255">http://hdl.handle.net/10220/3255</a></td>
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<td><strong>Rights</strong></td>
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PROTECTING CONTENT IN AN ONLINE ENVIRONMENT

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CONTENT
Recitals / performances
Web publications
Databases
Multimedia presentations
Music / sound / songs
Movies / video
Games / animation
Graphics / charts

Pictures / Photographs
Hyperlinks
Trademarks / tradenames
Logos / insignia
Watermarks
CAUSES OF ACTION
- Copyright
- Trademarks
- Passing Off
- Confidentiality
- Patents
- Criminal Law
- Contract

PROTECTION FROM COPYING
- Copyright Act (CA)
- Ideas cannot be protected or stolen
- Author's works
  (duration = life plus 50 years)
- entrepreneurial rights
  (duration = 50 years)

- Temporary transient copies included
- But browsing user caching excluded
  (s 193E CA)
- Covers: artistic, dramatic, literary works
- "Literary work" includes computer
  programs and compilations in any form
  (eg multimedia databases)
- Use of “frames”? Deep linking?
- Includes: pictures, photographs,
  graphics, text, animation, databases,
  etc
Some defences for infringement actions

- Fair dealing (eg for review, insubstantial copy for studying)
- Network Service Provider as mere conduit
- Network Service Provider acting on "Notice to Take Down"
- No criminal/civil liability for so acting

Section 193B to 193E
252A to 252D CA

Some defences for infringement actions

- "Implied Licence"
- Website terms restricting licence

PROTECTION AGAINST FRAUD / FORGERY

- "Digital rights management"
- Sections 258 - 261 CA
- "Steganography" / "watermarks"
- Civil suit against those who alter/remove code
- On top of copyright infringement
PROTECTION AGAINST WRONGFUL USE

**Patents**
- Inventions protected by patent law
- Algorithms and software?
- Business models? Priceline.com / Amazon.com
- The British Telecom "hyperlink" patent?

**Trademarks / tradenames**
- Duration: 10 years from registration
- Distinctive and intention to use
- Breach without prove of damage
- "Passing off" action
- Unregistered trademarks / logos?
- Domain names?

**Confidential Information**
- Information which has nature of confidence - encrypted? Identified as such?
- Imparted in situation of confidence - on the Net?
- Used to benefit of recipient
- Contractual provisions extending above - non-disclosure agreements (NDA)
PROTECTION AGAINST ILLEGAL USE

Criminal Law
- Unauthorised access - “hacking”
  ss.3, 4 Computer Misuse Act (CMA)
- Unauthorised modification (may be
  permanent or temporary)  s 5 CMA
- Impairing usefulness or effectiveness
  s 5 CMA

- Enhanced penalties for “protected
  computers”
  - fine $100,000
  - jail 20 years
  - or both
- Versus $5000 fine / 2 years jail to
  $50,000 fine / 10 years jail for other
  offences

Any Questions!
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