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<th>Title</th>
<th>Protecting content in an online environment</th>
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<tr>
<td>Author(s)</td>
<td>Toh, See Kiat</td>
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PROTECTING CONTENT IN AN ONLINE ENVIRONMENT

By
Assoc Prof Dr Toh See Kiat
Senior Partner
Tan Peng Chin & Partners
Email: asktoh@singnet.com.sg

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

**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!
asktoh@singnet.com.sg