

Anno Octavo

Annæ Reginae.

An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.



Whereas Printers, Booksellers, and other Persons have of late frequently taken the Liberty of Printing, Reprinting, and Publishing, or causing to be Printed, Reprinted, and Published Books, and other Writings, without the Consent of the Authors or Proprietors of such Books and Writings, to their very great Detriment, and too often to the Ruin of them and their Families: For Preventing therefore such Practices for the future, and for the Encouragement of Learned Men to Compose and Write useful Books: May it please Your Majesty, that it may be Enacted, and be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Tenth Day of April, One thousand seven hundred and ten, the Author of any Book or Books already Printed, who hath not Transferred to any other the Copy or Copies of such Book or Books, Share or Shares thereof, or the Bookseller or Book-sellers, Printer or Printers, or other Person or Persons, who hath or have Purchased or Acquired the Copy or Copies of any Book or Books, in order to Print or Reprint the same, shall have the sole Right and Liberty of Printing such Book and Books for the Term of One and twenty Years, to Commence from the said Tenth Day of April, and no longer; and that the Author of any Book or Books already Composed and not Printed and Published, or that shall hereafter be Composed, and his Assignee, or Assigns, shall have the sole Liberty of Printing and Reprinting such Book and Books for the Term of Four-

CHAP. XV.—*An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.*(a)

information as property

from advertising to IP

History of Information

March 13, 2013

CHAP. CXXIX.—*An Act concerning Trade Marks and Names.*

[Approved April 3, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

CHAPTER XXXIII.

OF TRADE AND STOCK MARKS AND BRANDS.

- | | |
|--|---|
| § 1. Trade mark exclusive use of, how secured; fac simile of, to be delivered to secretary of state. | § 2. Record of trade mark, when and where made; record book to be public. |
|--|---|

IV. Of Trade-Marks.

- | | |
|--|---|
| SEC.
77. Who entitled to trade-marks, and requirements concerning the same. | SEC.
81. Rules for transfer of trade-marks.
82. Penalty for fraudulent regis- |
|--|---|



happy birthday

NEWS TECHNOLOGY

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11 March 2014 Last updated at 20:28 ET



The web and me: A 25-year relationship



Twenty-five years ago Sir Tim Berners-Lee was working at a physics laboratory at CERN, in Switzerland, when he came up with a proposal for the World Wide Web.

Since then the web has become a system used across the world to allow people to share and access information.

A selection of people whose lives have been transformed or influenced by the web explain what it has meant to them.

As the Web Turns 25, Sir Tim Berners-Lee Calls For A Web Magna Carta

Posted by **Unknown Lamer** on Wednesday March 12, 2014 @11:33AM from the dream-machines-realized dept.



Today marks the 25th anniversary of Tim Berners-Lee's "[Information Management: A Proposal](#)," containing the ideas that led to the World Wide Web. From its humble beginnings as a way to store linked documents at CERN to... well, you're reading this now. To celebrate, the W3C is [encouraging people to post their birthday greetings](#). Quoting Tim Berners-Lee:

"In the following quarter-century, the Web has changed the world in ways that I never could have imagined. There have been many exciting advances. It has generated billions of dollars in economic growth, turned data into the gold of the 21st century, unleashed innovation in education and healthcare, whittled away geographic and social boundaries, revolutionised the media, and forced a reinvention of politics in many countries by enabling constant two-way dialogue between the rulers and the ruled."

#HackFSM: A Hackathon for the Free Speech Movement Digital Archive

The Free Speech Movement at UC Berkeley began its fight for free and open discourse in 1964. As the fiftieth anniversary of this movement draws near, its legacy of openness and the right to seek, receive, and impart information endures. As we consider the importance of open discourse and open access to information, we ask that you join us in opening up and engaging with historic materials about this milestone moment at Berkeley in a new, innovative way. From April 1 - 12, 2014, help us hack the Free Speech Movement Digital Archive at **HackFSM!**



another
birthday

thanks to TBL
you can contribute

[http://
digitalhumanities.berkeley.edu/
fsm-archive-hackathon](http://digitalhumanities.berkeley.edu/fsm-archive-hackathon)

February 11, 2014



ASCAP Continues 100th Anniversary Celebration at 22nd Annual ASCAP Latin Music Awards

another birthday

answering the
challenge
of new media

billboardbiz
BETA

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NEWS /

Happy 100th Birthday, ASCAP: Looking Back, Looking Ahead

By Craig Rosen | February 13, 2014 2:25 PM EST

In an era in which the music business has seen unprecedented change and disruption, some things remain constant. The creativity of songwriters and composers lies at the heart of the music business. And the ability of creators and their publishers to get paid for their work is the financial foundation upon which the music industry has been built.

Performance rights organizations assure that copyright holders are paid fairly when their music is performed publicly, over the airwaves, live or -- increasingly now -- online.

And among the world's PROs, ASCAP is the largest and one of the oldest. The American Society of Composers, Authors and Publishers was founded 100 years ago on Feb. 13, 1914, in New York.



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lies: For P
Practices for

Pandora Suit May Upend Century-Old Royalty Plan

By BEN SISARIO FEB. 13, 2014

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MORE

As the music industry races toward a future of digital streams and smartphone apps, its latest crisis centers on a regulatory plan that has been in place since “Chattanooga Choo Choo” was a hit.

Since 1941, ASCAP and BMI, the two giant licensing organizations that dominate music publishing, have been governed by consent decrees with the Justice Department. Those agreements

past & present

new media
new challenges

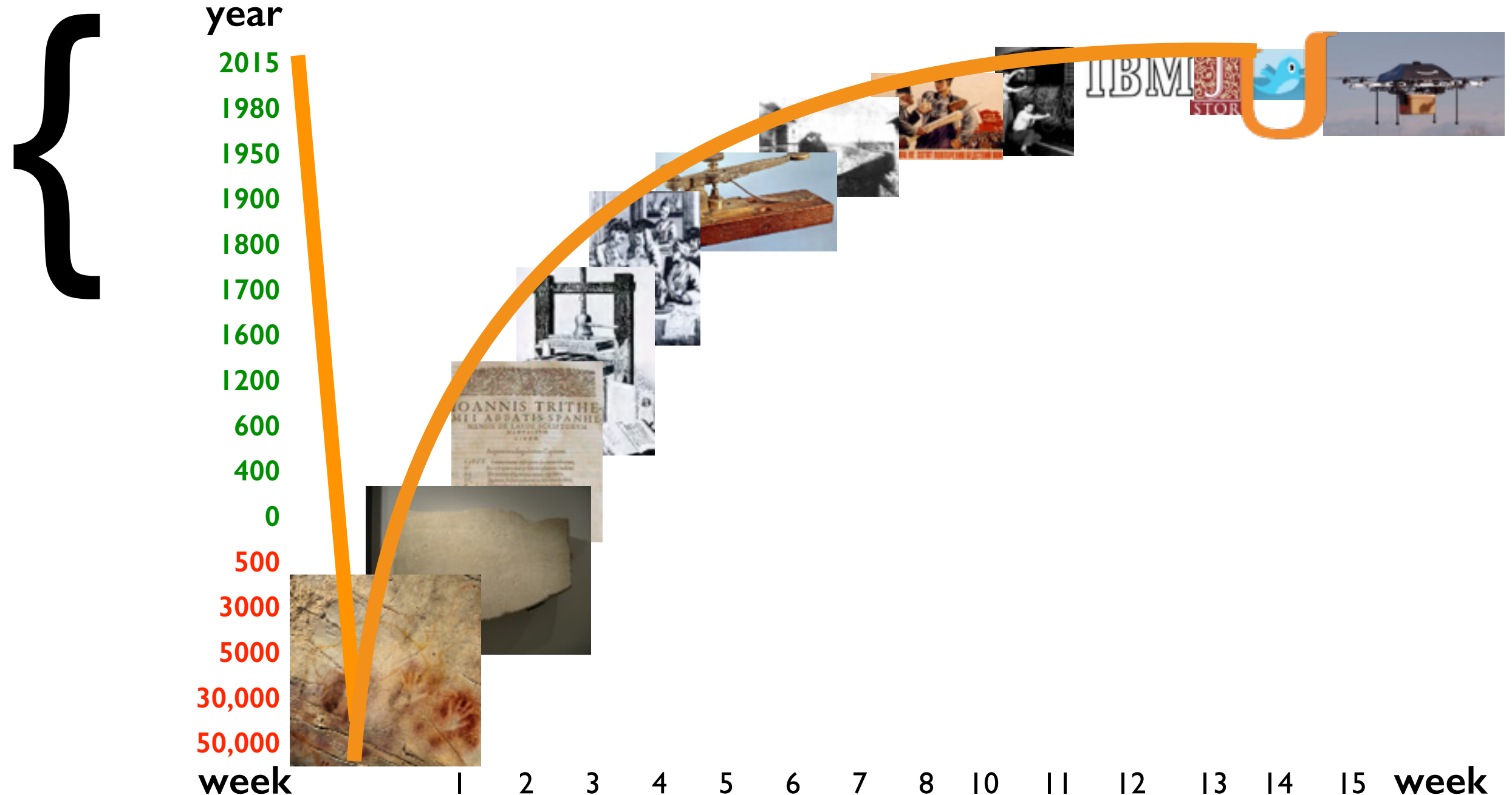


Carole King performing after receiving the 2013 Library of Congress Gershwin Prize for Popular Song. Pool photo by Yuri Gripas

“The most enduring legacy of Morse’s demonstration project lay in its role in legitimating the transformation of patent rights into tradable assets.”

—Richard John

historical issues?



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rights and wrongs

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The mousetrap

What do you get if you mix the Beatles with Jay Z? For DJ Danger Mouse, a whole heap of trouble. By Dan Glaister



Dan Glaister
The Guardian, Sunday 29 February 2004

yet another
birthday

In Retrospect: "The Grey Album" 10 Years Later



By Brian Josephs
Posted Mar 1, 2014 at 12:36 PM

8 3

20 Comments

13,850 Views

danger
to
whom?

Danger Mouse and EMI Settle "Dark Night of the Soul" Dispute



By DANIEL KREPS
MARCH 3, 2010 4:21 PM ET

Nearly nine months after Danger Mouse's *Dark Night of the Soul* project hit stores with a blank CD, the producer and EMI have reached an agreement to formally issue the album with music on the compact disc, the **BBC reports**. As **Rolling Stone wrote** last May, a legal hassle between Danger Mouse, or Brian Burton, and EMI stemming back to *The Grey Album* — Danger Mouse's mash-up of the Beatles' *White Album* with Jay-Z's *Black Album* — held up the release of *Dark Night*, a collaboration featuring the Shins' James Mercer, David Lynch, Julian Casablancas, Frank Black and more artists.



Dee Snider To Paul Ryan: We're Not Gonna Take Your Use Of Our Music



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329

TWEET THIS STORY



Email

EMAIL THIS STORY TO A FRIEND



BENJY SARLIN - AUGUST 21, 2012, 6:10 PM | 28103

Rock singer Dee Snider is incensed with Paul Ryan for playing his 1984 hit "We're Not Gonna Take It" as his intro music at a Pennsylvania rally on Tuesday.

rights and wrongs

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should he take it?



G.O.P. Candidates Are Told, Don't Use the Verses, It's Not Your Song

Romney and Gingrich Pull Songs After Complaints



GAS Archive/Redfeme via Getty Images

The rock group Survivor, around 1979. Their hit "Eye of the Tiger" was used by Newt Gingrich.

By JAMES C. MCKINLEY Jr.
Published: February 3, 2012

eyes of the newt?

a hot duo?

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Tom Petty: Michele Bachmann Can't Use My Song **American girl?**

By **GLEN LEVY** | @glenjl | June 29, 2011 | 17

Like 561 Send Tweet 36 +1 0 Share 3

skin in the game

rights and wrongs

what are we talking about?

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If Michele Bachmann becomes the next President of the United States, it's safe to say that Tom Petty won't be playing the inauguration.

When the newly minted Republican presidential candidate left the stage in Waterloo, Iowa, after making a nationally televised speech to announce her candidacy, Petty's track "American Girl" could be heard playing her off. According to NBC's Kelly O'Donnell, Petty's manager will be asking Bachmann's team to not use the song again.

Industrial band Skinny Puppy demand \$666,000 after music is used in Guantánamo torture

fair use?

Band file claim for \$666,000 and express outrage at their music being used 'as an actual weapon against somebody' in the US detention centre

Sean Michaels

The Guardian, Friday 7 February 2014 06.01 EST

 [Jump to comments \(60\)](#)



Nivek Ogre of Skinny Puppy, who are outraged at their music being used during Guantánamo torture. Photograph: Marc Broussely/Redferns

Michelangelo's David pictured holding rifle in American advert, to Italy's fury

Italian culture minister Dario Franceschini says image of David brandishing weapon offends and infringes the law

Lizzy Davies in Rome
theguardian.com, Sunday 9 March 2014 13.05 EDT

 [Jump to comments \(100\)](#)



The advert with David holding an AR-50A1 rifle has provoked anger in Italy and calls have been made for it to be withdrawn. Photograph: Franco Visintainer/ANSA

fair game?



and another birthday

lest we forget — initiated 1992, settled 1994

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNIX SYSTEM LABORATORIES, INC.

Plaintiff,

vs.

BERKELEY SOFTWARE DESIGN, INC.,
and certain named individuals in
their collective capacity as The
Regents of the University of
California,

Defendants.

Civ. No. 92-1667

O P I N I O N

coming up:
Computer

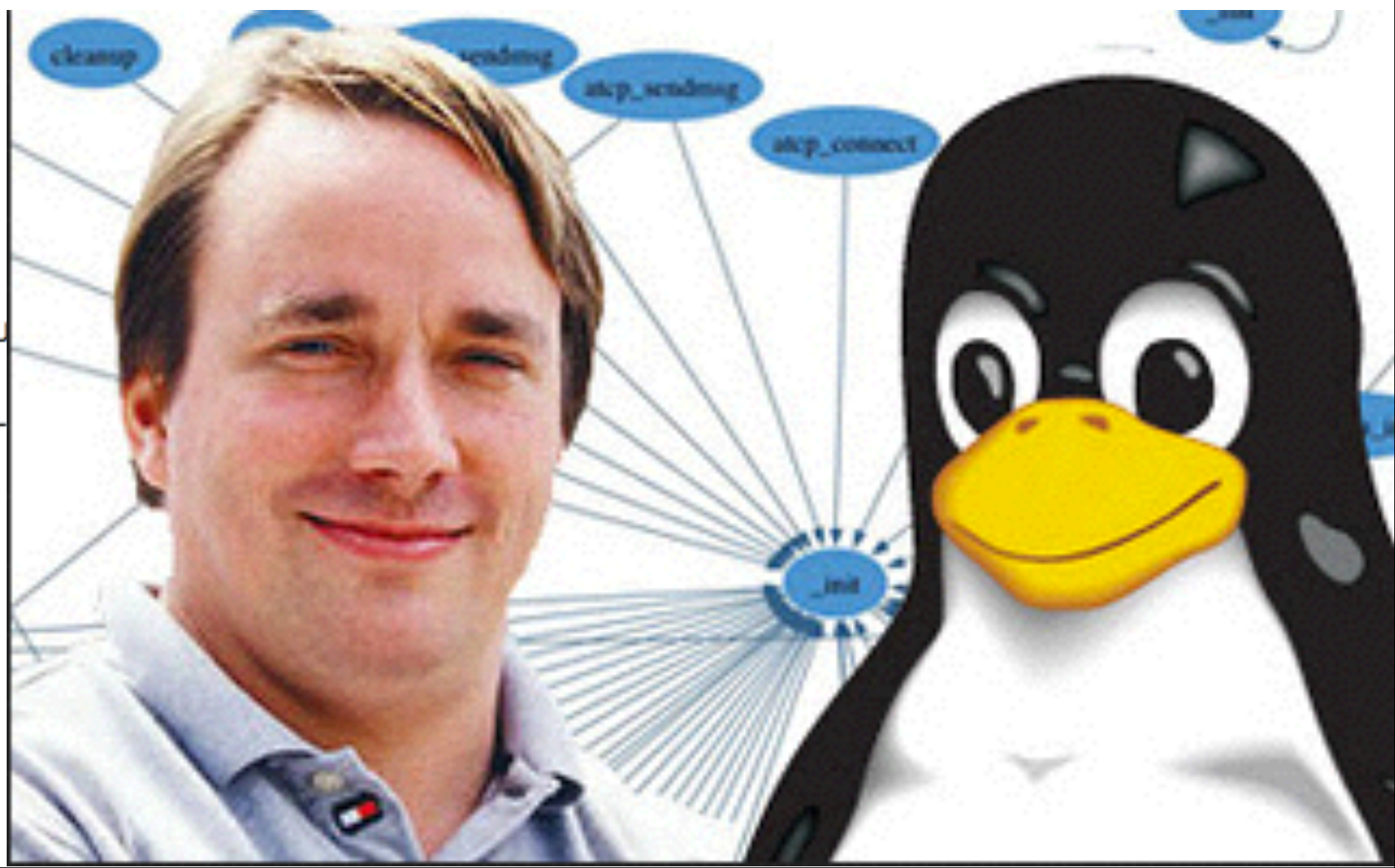


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Word Mark	LINUX
Goods and Services	IC 009. US 021 023 026 036 038. G & S: computer operating system software to facilitate computer use and operation. FIRST USE: 19940802. FIRST USE IN COMMERCE: 19940802
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74560867
Filing Date	August 15, 1994
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 13, 1995
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	1916230
Registration Date	September 5, 1995
Owner	(REGISTRANT) Croce, William R. Della, Jr. INDIVIDUAL U MASSACHUSETTS 02113 (LAST LISTED OWNER) TORVALDS, LINUS INDIVIDUAL Francisco CALIFORNIA 94110

still free?



Linus gets tough on Linux trademark

Vendors can now become official brand licensees, for a price

By [Neil McAllister](#) | InfoWorld

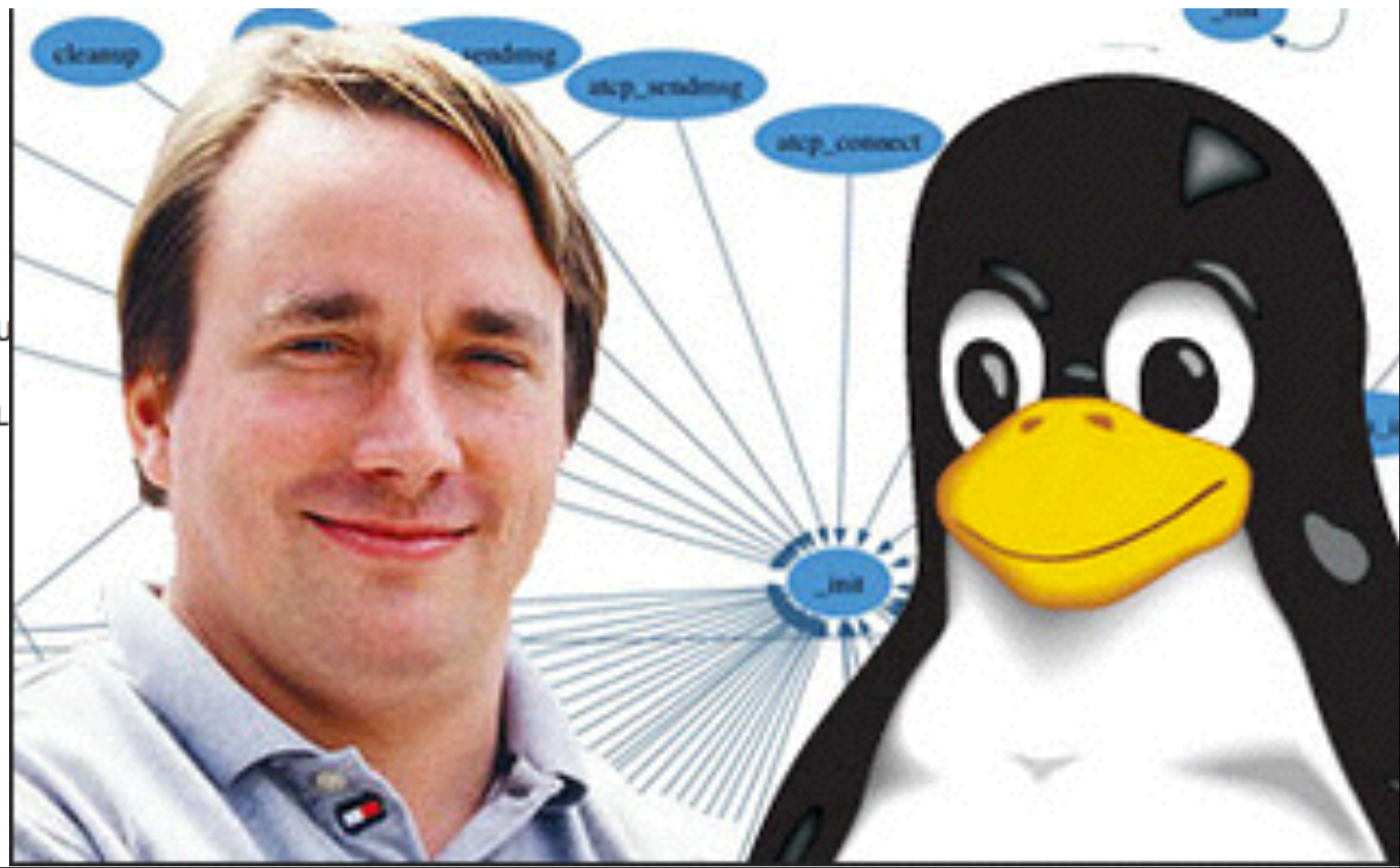
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to live outside the law ...





to live outside the law ...



2000



to live outside the law ...



2000

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- Dec: Napster sues an online clothes retailer for allegedly using its cat-like logo without permission on T-shirts and hats for sale.



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April 23rd, 2009



Wikipedia Threatens Artists for Fair Use

Commentary by [Corynne McSherry](#)

Can a noncommercial critical website use the trademark of the entity it critiques in its domain name? Surprisingly, it appears that the usually open-minded folks at Wikipedia think not.

Last February, a pair of artists, working with several collaborators, created a Wikipedia article and invited the general public to add to it, following Wikipedia's standards of credibility and verifiability. The work was intended to comment on the nature of art and Wikipedia. But Wikipedia editors did not take kindly to the project, and it was shut down within fifteen hours for being insufficiently "encyclopaedic."

Fast forward a couple of months. The artists, Scott Kildall and Nathaniel Stern, have created a noncommercial website that documents the project, called Wikipedia Art. The domain name for the project: wikipediaart.org.

Yep, they used the term "wikipedia" in their domain name. "Wikipedia" is a trademark owned by the Wikimedia Foundation. And now the Foundation has demanded that the artists give up the domain name peaceably or it will attempt to take it by (legal) force.



to live outside the law ...

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fair use?

Mr Moore's spleen & 'human ingenuity'

United States Patent
Golde , et al.

4,438,032
March 20, 1984

Unique T-lymphocyte line and products derived therefrom

Abstract

Human T-lymphoblast cell line, Proteinaceous products produced therefrom, messenger RNA and DNA expressing the proteinaceous products. A human T-lymphoblast cell line (Mo) maintained as a continuous culture constitutively produces proteins, including immune interferon, neutrophil migration inhibition factor, granulocyte-macrophage colony-stimulating activity and erythroid-potentiating activity, as well as other proteins produced by T-cells.

Inventors: **Golde; David W.** (Los Angeles, CA), **Quan; Shirley G.** (Los Angeles, CA)

Assignee: **The Regents of the University of California** (Berkeley, CA)

Appl. No.: **06/456,177**

Filed: **January 6, 1983**

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Henrietta Lacks' family to speak at MCC

Caurie Putnam - Brockport, ROC

12 p.m. EDT March 10, 2014



(Photo: Mike Peters / Photo courtesy of Montclair State University)

SHARE



The family of Henrietta Lacks has a legacy unlike any other.

"Auditoriums are usually filled to capacity when we speak," says David Lacks Jr., grandson of Henrietta Lacks, who will speak at Monroe Community College on Wednesday. "I find that truly amazing. We're not rock stars, we're just normal people."

Yet the family's story is one of the biggest in terms of scientific discovery and ethics.

When Henrietta Lacks died of cervical cancer in 1951 at the age of 31, researchers took samples of her cells without her knowledge or her family's consent.

These cells, now known as HeLa, were the first human-derived cells to grow in a laboratory. They led to the development of the polio vaccine and anti-cancer drugs. They also were used in gene-mapping, cloning, in-vitro fertilization research and more.

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**Mr Moore's spleen
& 'human ingenuity'**

30 years on

UCSF Medical Center

TERMS AND CONDITIONS OF SERVICE: ADMISSION, MEDICAL SERVICES AND FINANCIAL AGREEMENT

UNIT NUMBER

PT. NAME

BIRTHDATE

LOCATION

DATE

1. **UCSF Medical Center** is part of the University of California and is comprised of its hospital(s), medical center(s), its hospital-based clinics, and the UCSF School of Medicine.
2. **MEDICAL CONSENT:** I consent to medical treatments or procedures X-ray examinations, drawing blood for tests, medications, injections, taking of medical photographs, videotaping, laboratory procedures, and hospital services rendered to me under the general and special instructions of the physicians or other health care professionals assisting in my care. I also consent to my admission to the UCSF Medical Center if this is necessary for my care.
3. **TEACHING, RESEARCH AND HEALTHCARE INSTITUTION:** The University of California including UCSF Medical Center, is a teaching, research and healthcare institution. I understand that residents, interns, medical students, students of ancillary health care professions (e.g., nursing, x-ray, rehabilitation therapy), post-graduate fellows, and other trainees may observe, examine, treat, and participate at the request and under the supervision of the attending physician in my care as part of the University's medical education programs. Some UCSF Medical Center faculty are identified by their name badge as "Visiting Professors". These faculty members do not have a California license, but are licensed in another state or country. These physicians are permitted to practice medicine in California under a special program developed by the Medical Board of California.

I also understand that a University institutional review board approves projects conducted by University researchers in accordance with state and federal law. As a result, I understand that I may be contacted and asked to participate in research studies but I am under no obligation to do so. My decision whether to participate or not will not affect my ability to obtain medical care.

4. **USE OF MEDICAL INFORMATION AND SPECIMENS:** I understand that my medical information, photographs, and/or video in any form may be used for other UCSF Medical Center purposes, such as quality improvement, patient safety and education. I also understand that my medical information and tissue, fluids, cells and other specimens (collectively, "Specimens") that UCSF Medical Center may collect during the course of my treatment and care may be used and shared with researchers. I understand that under California law, I do not have any rights to any commercially useful products that may be developed from such research. I further understand that any use of my medical information or Specimens by UCSF Medical Center or other research institutions will be in accordance with state and federal law, including all laws and regulations governing patient confidentiality, in the manner outlined in the UCSF Medical Center Notice of Privacy Practices.

30 years on

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overview

skin in the game

rights and wrongs

what are we talking about?

developing *iproperty*

property to *iproperty*



Jeremy Bentham
1748–1832

so what are we talking about?

what is property?

"a curious spectacle ... multitudes of advocates and all the judges in and out of office talking about property in general, not one of them knowing what it was, nor how it was created; it was an assembly of blind men disputing about colours."

--Jeremy Bentham, *Manual of Political Economy*, 1794

in what way is *information* property?

properties of property

"No one shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation"

what is property?

what kinds of property ownership?

properties needed for private property?

limitations on property rights

properties of property

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what is property?

rules governing access to material goods

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"a property right is a legally enforceable power to exclude others from using a resource, without need to contract with them."

Landes & Posner, *Economic Structure of Tort Law*, 1987

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rivalrous

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private

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rivalrous

excludable

limitations on property rights

how extensive

how many: one right--or a bundle?



Emperor Justinian
483–565



William Blackstone
1723–1780

how acquired?

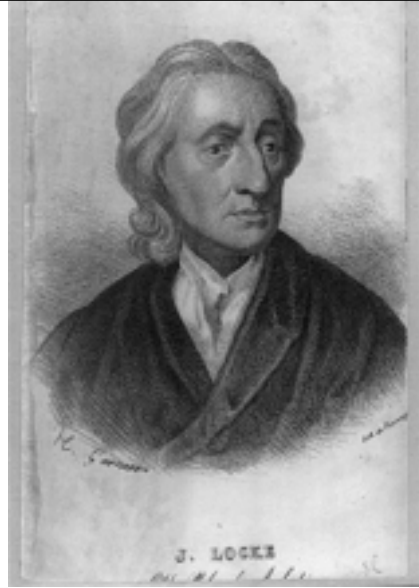
occupatio*, for property *res nullius

--*Codex Justinianus*, 534

Blackstone's rules for property acquisition

descent, purchase, escheat, occupancy
prescription, forfeiture, alienation

which one for *iproperty*?



John Locke
1632–1704

uncommon?

Locke's view

"Though the Earth...be common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it, that **excludes** the **common** right of other Men."

--John Locke, *Two Treatises of Government*, 1689

paternal view



Daniel Defoe
1660?–1731

"A Book is the Author's Property, 'tis the Child of his Inventions, the Brat of his Brains; 'tis as much his own , as his Wife and Children ... [but] these Children of our Heads are seiz'd, captivated, spirited away, and carry'd into Captivity."

--Daniel Defoe, *Review*, 1710

paternal view



Daniel Defoe
1660?–1731

"A Book is the Author's Property, 'tis the Child of his Inventions, the Brat of his Brains; 'tis as much his own , as his Wife and Children ... [but] these Children of our Heads are seiz'd, captivated, spirited away, and carry'd into Captivity."

--Daniel Defoe, *Review*, 1710

"blame Lysias, who is the father of the brat, and let us have no more of his progeny ..."

CONJECTURES
ON
ORIGINAL COMPOSITION,
IN A
LETTER
TO THE
AUTHOR
OF
Sir CHARLES GRANDISON.

*Si habet aliquid tanquam felicitatem, sed, et diffinitum,
etiam fortiter nihil est perinde.* Cito.

L O N D O N :

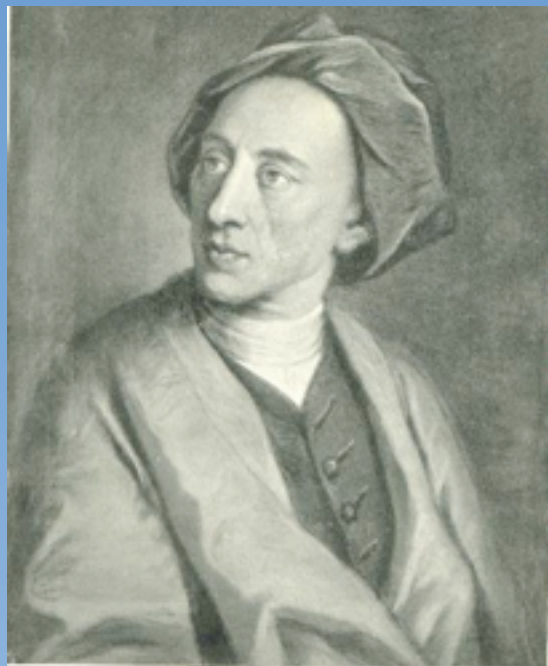
Printed for A. MILLAR, in *St. Paul's Church-Yard*, and
R. and J. DODDLEY, in *Fleet-Street*.

MDCCLXXXIII.

single parent?

"True Wit is Nature to advantage dress'd
What oft was thought, but ne'er so well express'd"

-- Alexander Pope,
"Essay on Criticism," 1708



Alexander Pope
1688–1744

like fields?



Denis Diderot
1713–1784

"What form of wealth *could* belong to a man if not a work of the mind... if not his own thoughts .. What comparison could there be between .. the very substance of a man, his soul, and a field, a tree, a vine ... that an individual has only appropriated through cultivating it?"

--Denis Diderot,

Lettre Historique et Politique sure le Commerce de la Librarie, 1763



Noah Webster
1758-1841

American Dictionary
1827

fruits and labor

“Upon what principle, let me ask, can my fellow-citizens declare that the productions of the farmer & the artisan shall be protected by common law, or the principles of natural or social right, without a special statute, & without paying a premium for the enjoyment of their property; while they declare that I have only a temporary right to the fruits of my labor & this cannot be enjoyed without a premium? Are such principles as these consistent with the established doctrines of property & of moral right & wrong among an enlightened people? Are such principles consistent with the high & honorable notions of justice & equal privileges, which our citizens claim to entertain & to cherish, as characteristic of modern improvements in civil society.” —Noah Webster to Daniel Webster, 1826



metaphysics vs consent

"There seems ... to be in authors a stronger right of property than by occupancy; a metaphysical right, a right, as it were of creation, which should from its nature be perpetual; **but** the consent of nations is against it, and indeed reason and the interests of learning are against it; for were it to be perpetual, no book, however useful, could be universally diffused amongst mankind, should the proprietor take it into his head to restrain circulation."

--Samuel Johnson, 1773

Carla Hesse, 'The Rise of Intellectual Property, 700 B.C.- A.D.
2000:An Idea in the Balance' *Daedalus* 131(2)(2002): 26-45.

theological problems

Confucianism

"I transmit rather than create." --Confucius

Islam

Shari'a law against

"imposture" and "fraud" but not theft

Christianity

"Scientia Donum Dei Est

Unde Vendi non Potest"

--Canon Law

skin in the game
rights and wrongs

what are we
talking about?

developing iproperty

"... no one possesses the less because everyone possesses the whole of it. He who receives an idea from me receives [it] without lessening [me], as he who lights his [candle] at mine receives light without darkening me."

i-property, i-problems

properties of information

rivalrous?

excludable?

"... no one possesses the less because everyone possesses the whole of it. He who receives an idea from me receives [it] without lessening [me], as he who lights his [candle] at mine receives light without darkening me."

i-property, i-problems

properties of information

rivalrous?

excludable?

if not, then "**a public good**"

so hard to "incentivize"

hence ...

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.

i-property, i-problems

properties of information

rivalrous?

excludable?

if not, then "**a public good**"

so hard to "incentivize"

hence ...

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

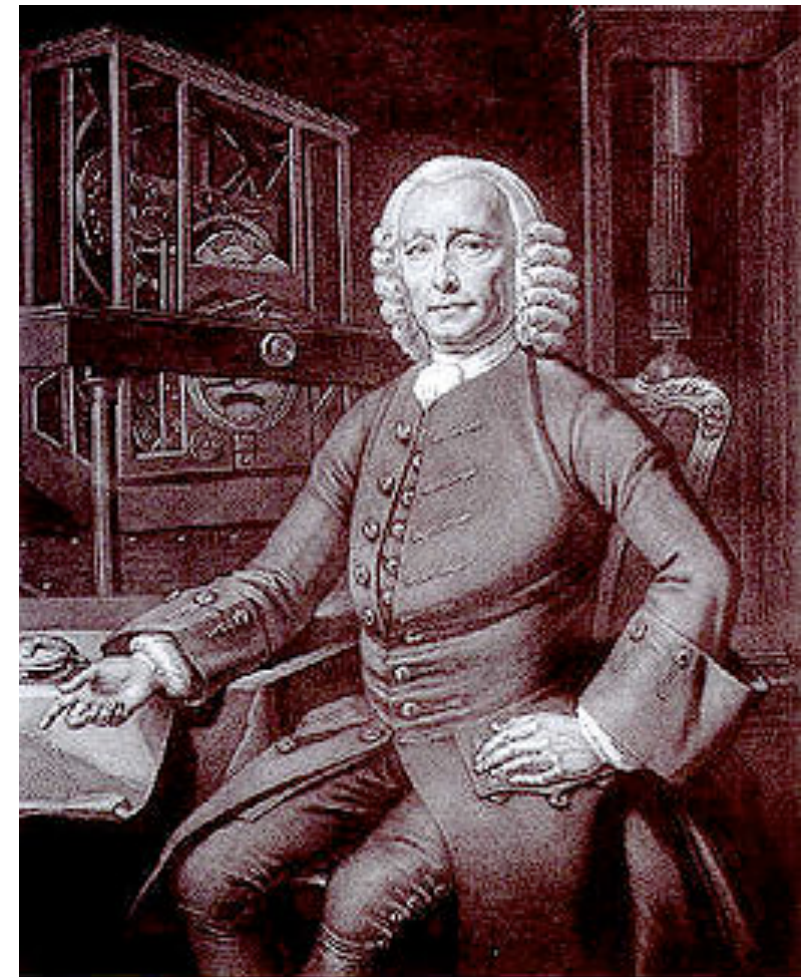
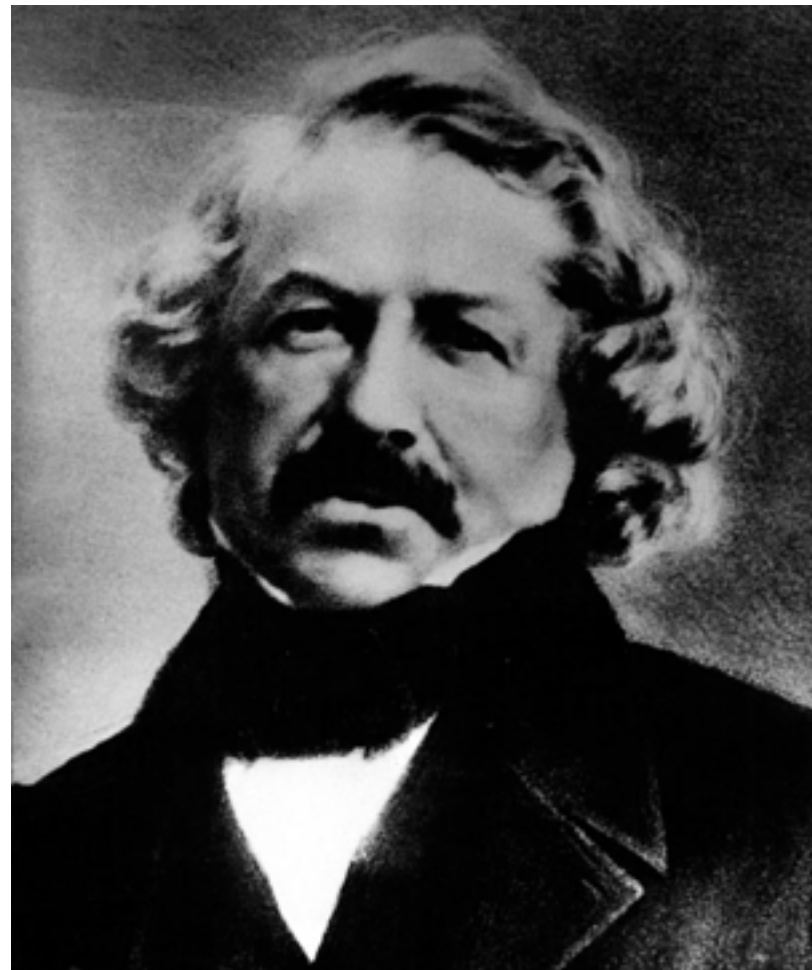
"... no one possesses the less because everyone possesses the whole of it. He who receives an idea from me receives [it] without lessening [me], as he who lights his [candle] at mine receives light without darkening me."

alternatives we know of?

skin in the game
rights and wrongs

**what are we
talking about?**

developing *iproperty*



overview

skin in the game

rights and wrongs

what are we talking about?

developing *iproperty*



patents

regulation

825: Chinese regulation of almanacs - *authenticity*

privileges

1236: Bonafasus' dyeing

1332: Bartholomeo Verde's windmill

patents

1421: Brunelleschi's boat

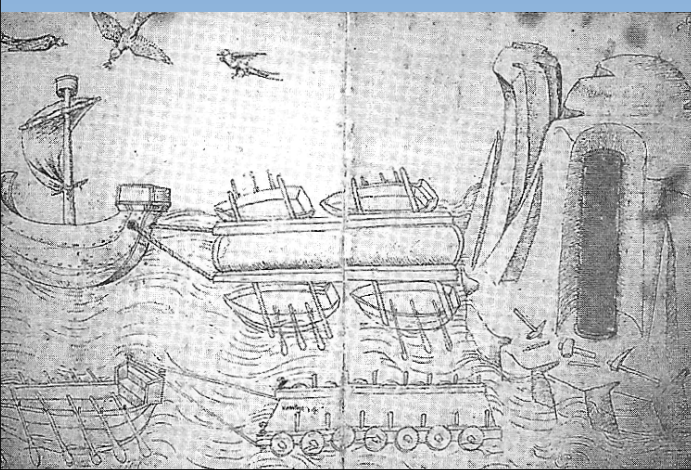
1441: Eton stained-glass

skin in the game

rights and wrongs

what are we talking
about?

**developing
iproperty**



patent & print

1504: William Facques, "King's printer"

patronage

1504: Guillaume Cop, Paris University

signed almanac

1511: Durer's patent

authenticating?





controlling content



Mary 1
1516–1558

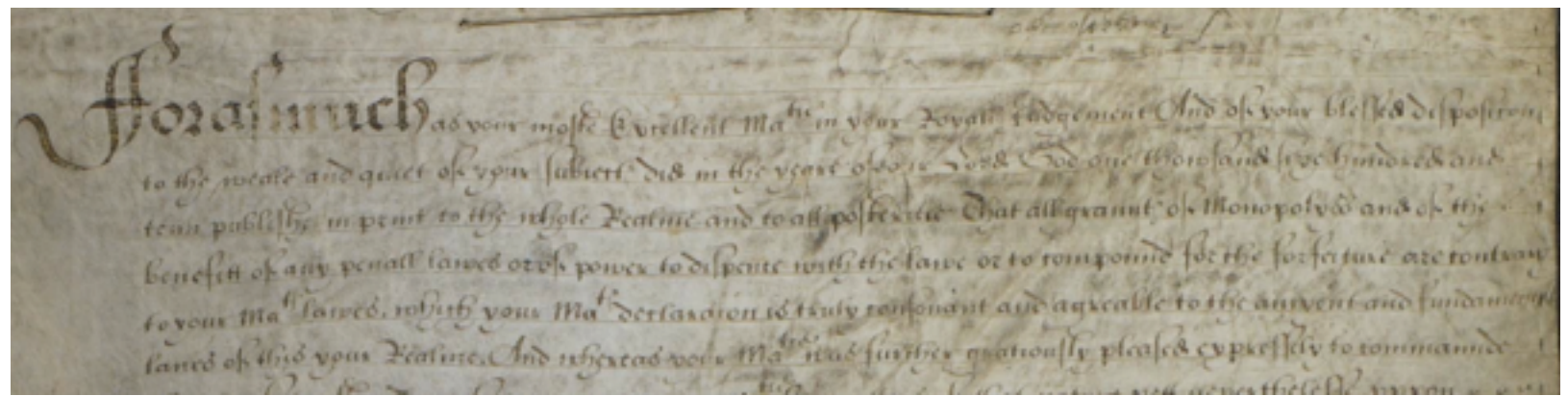
Stationers' Company

"Know ye that we, considering and manifestly perceiving that certain seditious and heretical books rhymes and treatises are daily published and printed by divers scandalous malicious schismatical and heretical persons ... wishing to provide a suitable remedy ..."

— Stationers' Charter, 1557



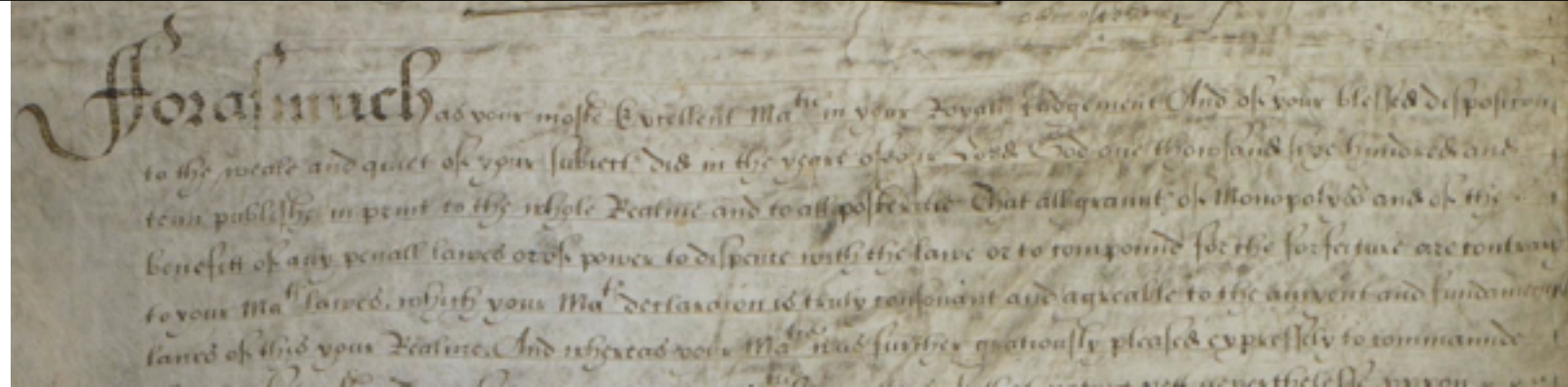
Charles I
1566–1625



parsing patents

"All Monopolies and all Commissions, Grants, Licences, Charters and **Letters Patent** heretofore made or granted or hereafter to be made or granted to any Person or Persons, Bodies Politick or Corporate whatsoever, of, or for the sole Buying, Selling, Making, Working or Using any Thing within this Realm... or of any other Monopolies, or of Power, Liberty or Faculty... are altogether contrary to the Laws of this Realm, and so are and shall be utterly void and of none effect."

--Statute of Monopolies, England, 1624

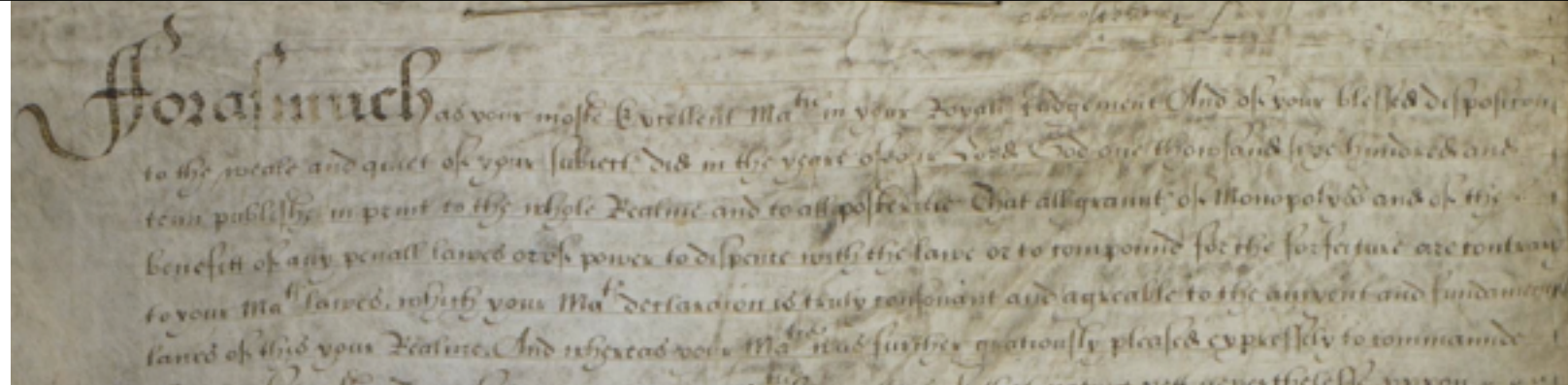


exceptions

skin in the game
rights and wrongs
what are we talking
about?
developing
iproperty

"Any Declaration before mentioned, shall not extend to any Letters Patents and Grants of Privilege **for the Term of one and Twenty Years**, or under, heretofore made of the sole Working or Making of **any Manner of new Manufacture** within this Realm, to the first **true Inventor** or Inventors of such Manufactures.

--Statute of Monopolies, England, 1624



further exceptions

"Provided also that all lettres Patentes and grauntes heretofore made and hereafter to be made of the priviledg of the sole printing of the Bible or booke of Common prayer or of the psalmes psalter or anie other Bookes lawfully aucthorized and allowed, or to be soe aucthorized or allowed to be used in and for the publique divine service and worshipp of God or of anie bookes of the Common lawes or Statutes of this Realme or of anie proclamacion sett fourth or to be sett fourth by his Majestie his heires or successors or of Jumus and Tremellius Bibles or of Lillies Grammar or of Prymers or Almanackes shal be alsoe of such force as they were or should bee if this Act had never bene had or made and of none other, Provided alsoe that this act shall not extend to the Restraint or makinge voyde of one Patent of Priviledge for the sole printinge and selling of a Booke called the Theatre of Empire ..."



John Milton
1608–1674

going open

civil war ends printing privileges

"the old *patentees* and *monopolizers*. ... We must not think to make a staple commodity of all the knowledge in the Land, to mark and licence it like our broad cloath, and our wool packs. And though all the winds of doctrine were let loose to play on the earth, so Truth be in the field, we do injuriously by licensing and prohibiting misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?"

--John Milton, *Areopagitica*, 1644



Roger L'Estrange
1616–1704



Nullius in Verba

going "open"

1662: Licensing Act

1694/5: collapse of licensing acts

- growing readership: *the reading nation*
- politics and the public sphere
- the end of patronage
- competing monopolies: *booksellers v printers*

"What a revolution they were making, what a power they were calling into existence."

-- Macaulay

1710: Statute of Anne

Whereas printers, booksellers and other persons
have of late frequently taken the liberty of
printing reprinting and publishing or causing to
be printed reprinted and published Books and other
writings **without the consent of the authors or
proprietors** ... to their very great detriment. ...
For preventing therefore such practices for the
future and for the encouragement of learned men to
compose and write useful books ... That from and
after the **tenth day of April 1710**...

author's due

not printers, nor booksellers

Whereas printers, booksellers and other persons
have of late frequently taken the liberty of
printing reprinting and publishing or causing to
be printed reprinted and published Books and other
writings **without the consent of the authors or
proprietors** ... to their very great detriment. ...
For preventing therefore such practices for the
future and for the encouragement of learned men to
compose and write useful books ... That from and
after the **tenth day of April 1710**...

"The clause in the law is a patent to the author and settles the propriety of the work wholly in himself, or in such to whom he shall assign it."

--Defoe,

*Essay on the Regulation
of the Press*

whereas ...

1710: statute of Anne

"any books or books already printed

"any book ... not printed ...

"nothing ... unless the title ... be ...

"if any Bookseller ... sell or expose to
sell any book ...

"provided that nine copies ..."

"nothing .. to Prohibit the Importation ..."

"A new law to give learned men property they had not had before." --Attorney General Thurlow

not a done deal until ...

1774 Donaldson v Becket booksellers defeated

new opportunities



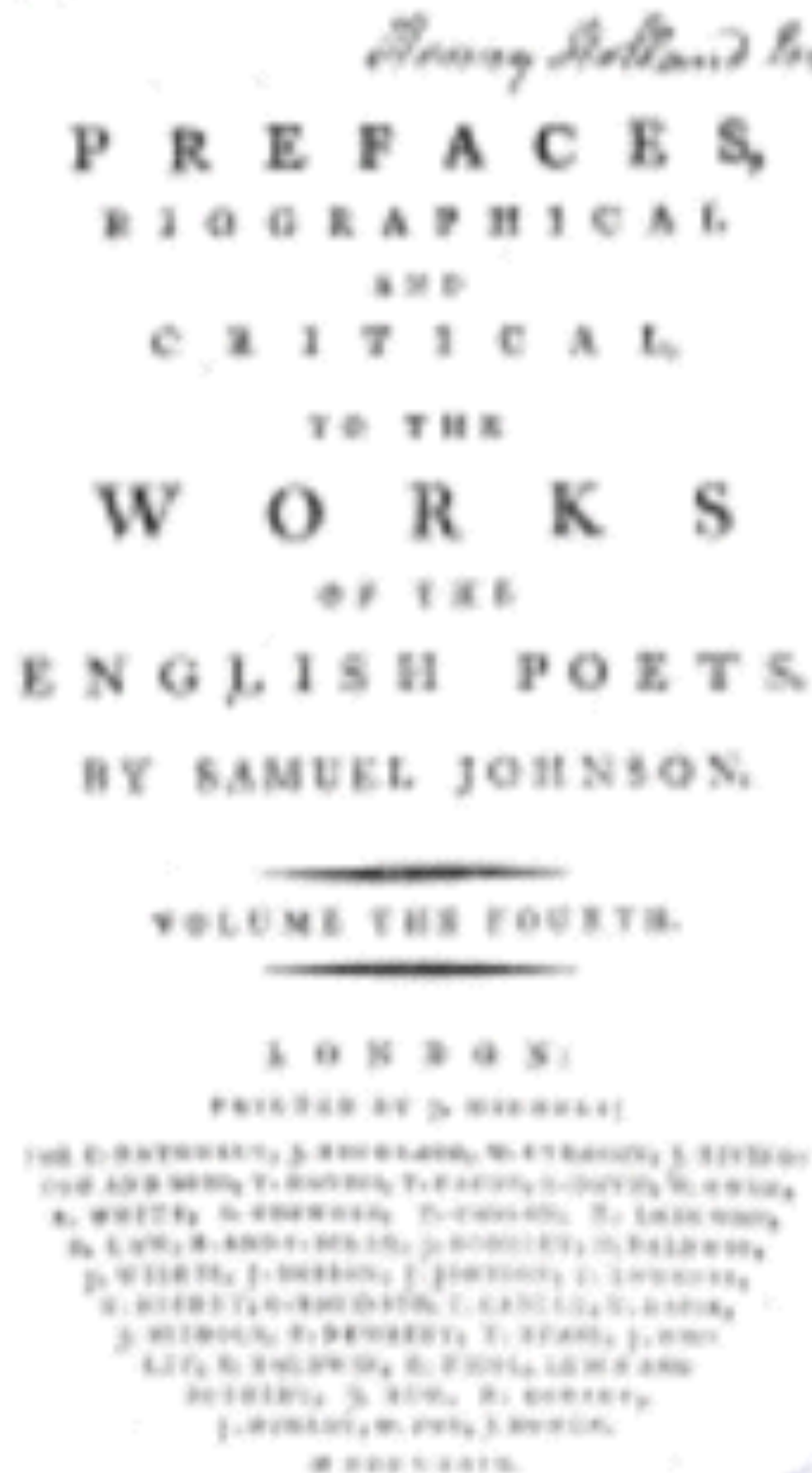
"learning would be locked up in the hands of the Tonsons* and the Lintots of the age, till the public become as much their slaves, as their own hackney compilers are"

--Lord Camden

*the Tonson family held Milton's patents

Elegant Extracts

V. Knox, ed.



"There seems .
property than
it were of cre
perpetual; **but**
indeed reason
for were it to
be universally
proprietor tak

strategic response
taphysics vs
consent

er right of
right, a right, as
nature be
gainst it, and
g are against it;
ver useful, could
hould the
in circulation."

--Samuel Johnson, 1773



Sir William Berkeley
1605-1677

over here

1638: first press in the US (patronized by MA government)

1662: licensing required

1664: monopoly grant to press

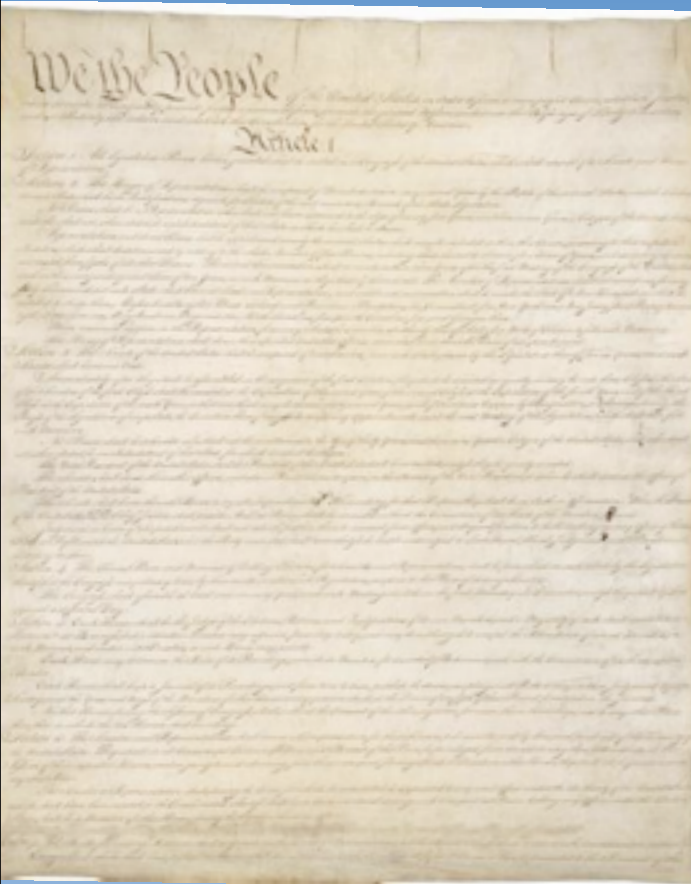
1671: "I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience" --Governor Berkeley, VA.

1672: Usher's legal privilege (MA)

1680s: English restrictions on presses

1775: 50 printing houses in the colonies

constitutional matter



SECTION 8. The Congress shall have Power

...

To promote the Progress of Science and
useful Arts, by securing for limited Times
to Authors and Inventors the exclusive Right
to their respective Writings and
Discoveries;

national reaction

petitions

David Ramsay:

-The History of the American Revolution

-The History of the Revolution of South Carolina from a British Province to an Independent State

John Churchman

"several different methods by which the principles of magnetic variation are so explained, that a latitude of a place being given, its longitude may be easily determined"

skin in the game

rights and wrongs

what are we talking
about?

**developing
i**property

from petitions to statutes

skin in the game

rights and wrongs

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iproperty

124

FIRST CONGRESS. SESS. II. CH. 15. 1790.

STATUTE II.

May 31, 1790.

Repealed.

Act of April
29, 1802, ch. 36.
Act of Feb. 15,
1819, ch. 19. Act
of Feb. 3, 1831,
ch. 16. June 30,
1834, ch. 157.

Authors of
maps, charts
and books;
and purchasers
from them, to
have the sole
right of publica-
tion for 14

CHAP. XV.—*An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or

changes

"map, chart, book ...

"citizens thereof ...

"copyright ...

"recording in the clerk's office ...

"shall print ... or import ...

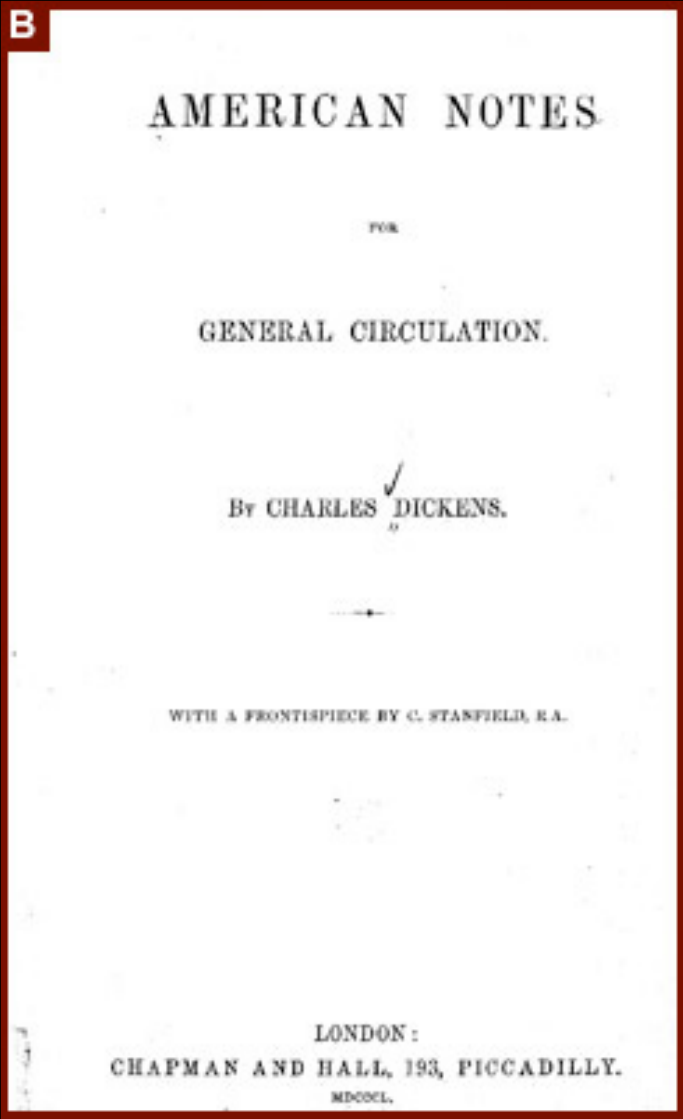
"unless he shall first deposit ...

skin in the game

rights and wrongs

what are we talking
about?

**developing
i**property



internationalization

UK

1838 International Copyright Act

1842 Copyright Act

1844 International Copyright Act

1851 Anglo-French Treaty

what are we talking
about?

developing
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going global

March 3, 1891.

CHAP. 565.—An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights.

Copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and fifty-two of the Revised Statutes, be, and the same is hereby, amended so as to read as follows:

what are we talking about?

developing

SEC. 10. That section forty-nine hundred and seventy-one of the Revised Statutes be, and the same is hereby, repealed.

Exclusion of aliens repealed.

R. S., sec. 4971, p. 960, repealed.

SEC. 11. That for the purpose of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical shall be considered an independent publication, subject to the form of copyrighting as above.

Volumes separately copyrightable.

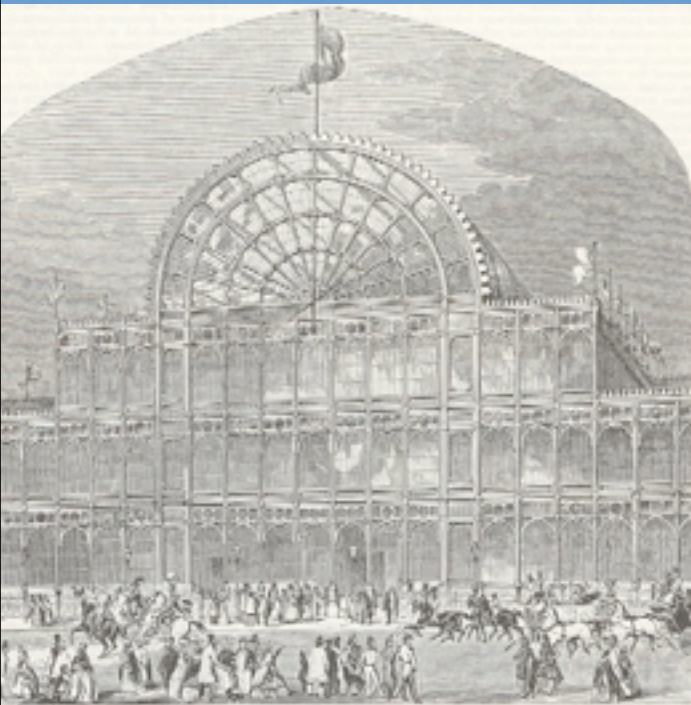
meanwhile ...

at the patent office

US patent law, 1790, revised, 1836

UK Patent Law Amendment Act, 1852,
Patent reform, 1883

France 1791, 1800, 1844



Crystal Palace
1852

patent resistance & patent boom

owning work

1800-1900

from the skill of the craftsman

the rights of "free labor"

(and the risk of enticement)

to trade secrets

"obligation to preserve such secrets must be implied"

non-compete clauses & work for hire

entrepreneurship vs corporate labs?



"The Congress
shall have
power ...

"To promote the
Progress of
Science and
useful Arts, by
securing for
limited Times to
Authors and
Inventors the
exclusive Right
to their
respective
Writings and
Discoveries"

the third leg

1870: revision of patent office
registration of trademarks and
the "second industrial revolution"

1879: the "trade-mark cases"

is it intellectual?
is it an invention?

is it progressive?

-- USSC: NO

1881 - 1906: foreign treaty and indian tribes

1906: commerce clause

happy 150th
anniversary:

CHAPTER XXXIII.

OF TRADE AND STOCK MARKS AND BRANDS.

- | | |
|--|--|
| § 1. Trade mark exclusive use of, how secured;
fac simile of, to be delivered to secretary
of state. | § 2. Record of trade mark, when and where made;
record book to be public. |
|--|--|

prior art

neglected firstborn of Anglo-American registration

CA, 1863

OR, 1864

NV, 1864-5

KA, 1864

MO, 1865

US, 1870

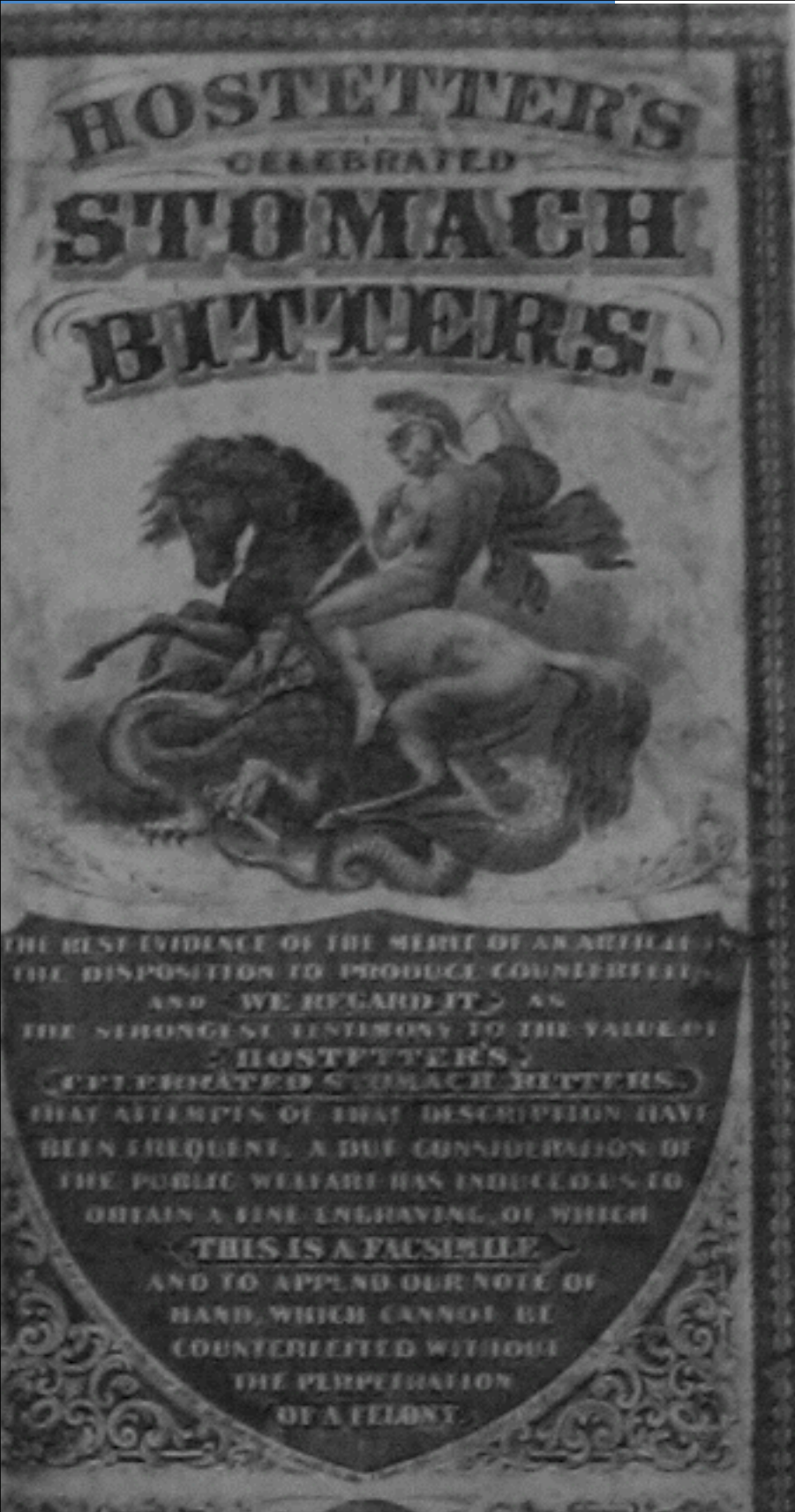
UK, 1875

skin in the game

rights and wrongs

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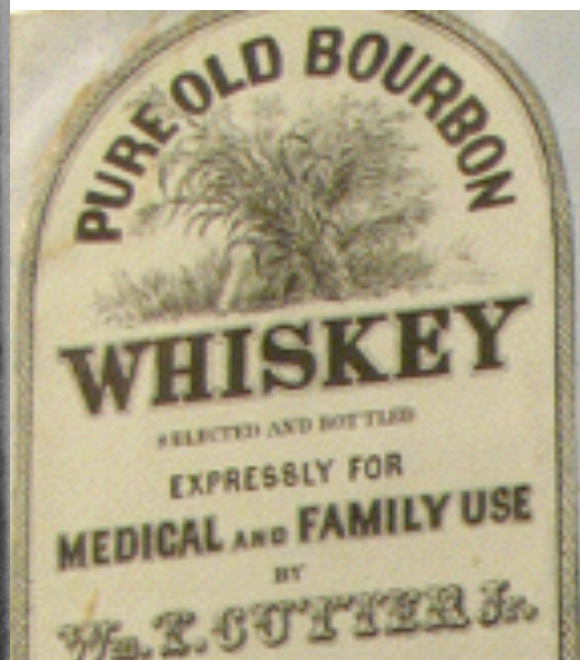


The said Trade mark or name is as follows
to wit:

DERINGER
PHILADEL^A

Stamped or engraved on the neck. And

DERINGER
PHILADEL^A





"FRESNO BUSINESS COLLEGE".

by files and records the same in the office of the Hon.
y of State of the State of California, pursuant to Sec-
97 and 3198 and 3199 of the Political Code of the State
ornia.

W.C. Ramsey.

Claimant.

developing
iroperty



"FRESNO BUSINESS COLLEGE".

by files and records the same in the office of the Hon.
y of State of the State of California, pursuant to Sec-
97 and 3198 and 3199 of the Political Code of the State
ornia.

W.C. Ramsey.

Claimant.

developing
iproperty

KNOW ALL MEN BY THESE PRESENTS:

That I, JOSEPH H. GOLDMAN, of the City and County of San Francisco, State of California, have adopted, and claim the sole and exclusive ownership of, the trade-name "PROFESSOR J. S. BEECH," and claim the sole and exclusive right to do business under said trade-name.

Dated at San Francisco, California, October 18th, 1901.

Joseph H. Goldman

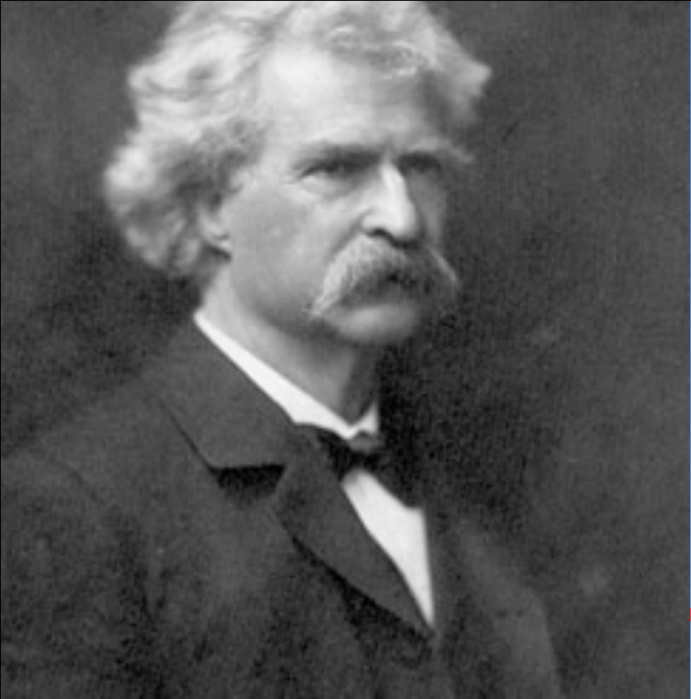
STATE OF CALIFORNIA,
City and County of San Francisco,)
:ss.

JOSEPH H. GOLDMAN, being first duly sworn, says: I have adopted, and am the sole and exclusive owner of, the trade-name "PROFESSOR J. S. BEECH," referred to and described in the foregoing claim of ownership.

Joseph H. Goldman

Subscribed and sworn to before me
this 18 day of October, 1901.

R. B. Lusk
Notary Public in and for the City and County of
San Francisco, State of California.



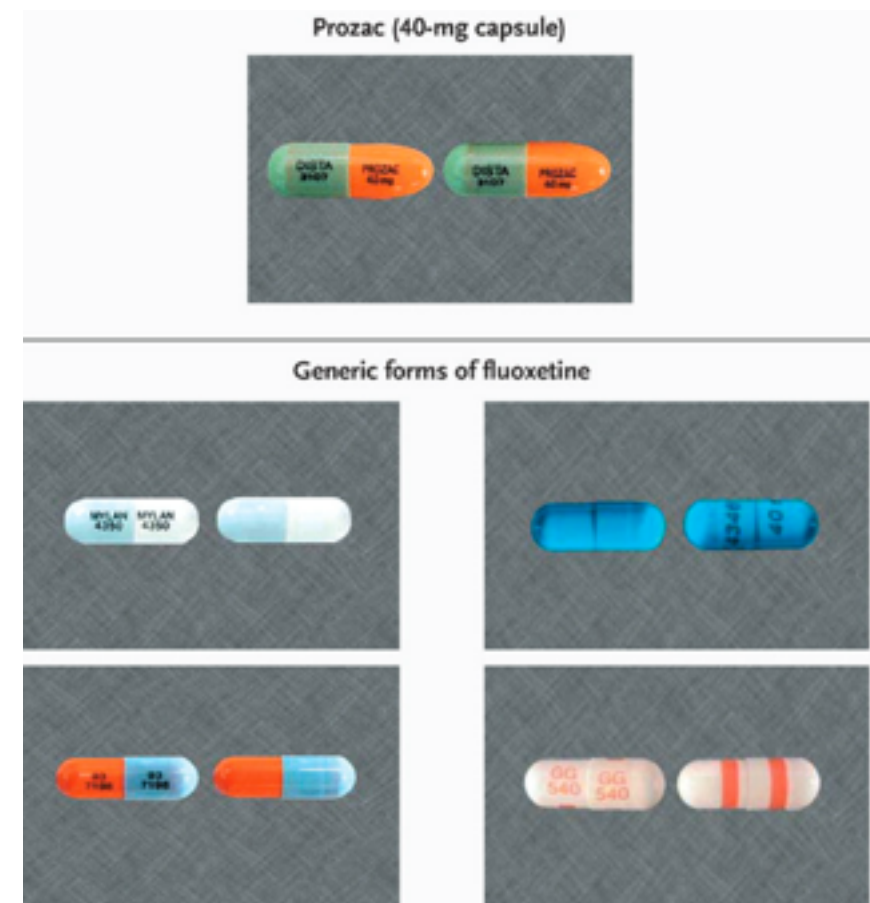
Mark Twain
1835–1910



Rudyard Kipling
1865–1936

trademark temptations

"nature's copy's not eterne ..."



comparative advantage?

intellectual property

1710: Statute of Anne separates copyrights from patents

1879: USSC throws out federal trademark law:
marks not mentioned in the “progress clause” of the
constitution, leaving trademarks distinct from copyright
or patents

propriété intellectuelle

In France, copyrights are “intellectual property”;
trademarks and patents are then grouped together as
“industrial property.”

skin in the game

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what are we talking
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"US" and "UK way" today

registering difference



No assignment — Prepare for Midterm

coming up

3/18/2014: Technologies of the Image

Newhall, Beaumont. 1964. *The History of Photography, From 1839 to the Present Day*. New York: Museum of Modern Art.

Read: "Prints from Paper," "Portraits for the Million," and "The Faithful Witness," pp. 32-57. [172-216 in course reader]

Source: Course reader

Fineman, Mia. 2012. "Faking it. Manipulated Photography Before Photoshop." New York: Metropolitan Museum of Art.

Read: "Introduction" pp. 3-43 [x – x in course reader]

Source: Google books [[hyperlink](#) ↗]