

Chapter 18

Piracy of Intellectual Property Rights and Copyright Infringement

ABSTRACT

Originators of books, songs, or movies spend a lot of time, effort, and money to come up with their creative work. In order to protect the value of their production, they issue a copyright. This copyright entitles them to benefit from profits (royalties) and at the same time prohibits others from illegal reproduction without permission. From an ethical perspective, the impact of piracy affects a number of stakeholders such as consumers, artists, and government. Consumers benefit from low prices and suffer when they find out that they have purchased a poor quality product from online websites or when they do not receive the products they paid for. Artists or producers suffer as they are deprived from collecting their royalties. This negatively affects companies due to losses in revenues. Governments are incapable of collecting taxes from the revenues. A number of solutions are available to combat piracy. This chapter explores intellectual property rights and copyright infringement.

INTRODUCTION

Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works. Copyright protects unique works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not cover facts,

ideas, systems, or methods of operation, although it may protect the way these things are expressed.

The difference between copyright, patent and trademark is that copyright protects original works of authorship, while a patent protects inventions or discoveries. The way these are expressed may be covered by copyright. A trademark protects words, phrases, symbols, or designs differentiating one business from another. Intellectual property is classified into three different categories:

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1. **Creative Works:** Include music, movies, books and software and are therefore protected by copyrights;
2. **Inventions:** Protected by patents;
3. **Brand-Name Products:** Protected by trademarks.

Originators of books, songs, or movies spend a lot of time, effort and money to come up with this creative work. In order to give value for their production, they issue a copyright. This copyright entitles them to benefit from the profits (royalties) alone and at the same time prohibits others from illegal work reproduction without permission.

BACKGROUND

Throughout history, humanity has been known for having diverse characteristics that have shaped the structure of this world. This resulted in many inventions and discoveries that were stolen from talented minds. So what does copyright actually protect? According to dictionary.com, copyright is “the exclusive right to make copies, license, and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, etc”.

The form of securitization was never always provided until the emergence of the copyright concept in the 18th century (1709), when King Charles the Second was worried about the illegal copying of written artwork. In addition to governmental and religious organizations, copyright was also essential in the birth of capitalization and in the creative human activities, such as literature works and artistic creations. Back then, various cultural behaviors, social entities, and legal structures led to the creation of copyright in Europe but not in other regions. After capitalism came into effect with its individualist ideological foundation, copyright expanded, especially in Europe.

The “Statute of Anne” was the first copyrighted act, and it extended from just books and maps to basically every modern business, protecting such items as sound recordings, films, photographs, software, and architectural works. After the United States adopted Copyright and included it in its Constitution, some of the States amended certain copyright laws between 1783 and 1787. The Copyright law stated: “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”. This law gives the right to the owner to be able to make profits for a certain period of time. The length of the copyrights in the US was up to 14 years. Also, the author could extend this period by applying for other periods of 14 years.

The introduction of the copy machine in 1779 and of computers in the 20th century was a major threat. The internet was also just another means through which people were able to connect and share various data with large numbers of people. This caused uproar among authors, as well as many artists who were worried about the theft of their work. Working hand-in-hand, people urged sovereign powers to regulate this issue and provide a safety measure to prevent people from using this sort of information illegally. This transition managed to find its way into our world today. A recent example would be that of the masterminds behind the idea that was allegedly stolen, Facebook. Divya Narendra and his partners, accused Mark Zuckerberg of stealing their idea of Facebook (Gadgets Hunt). Had this group of people copyrighted their idea, they would have been able to join the Facebook group of young billionaires today and would have never lost it to someone else.

Today, the proper definition of copyright according to the US Copyright Office is “a form of protection grounded in the U.S. Constitution

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