

The Internet and Intellectual Property

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Abstract: Today, as the internet takes center stage in publishing intellectual property, many new and challenging problems are arising. There are many unforeseen issues with the use of the internet in regard to intellectual property. Many of the claims against unlawful use of intellectual property that happen on the internet are almost impossible to prosecute because the crimes are done in new territories such as Twitter and Facebook and these are new concerns that have not been seen in traditional problems of unlawful use of intellectual property. Social media has become part of the fabric of the modern world, but it is taking time for laws and law enforcement that protect intellectual property to catch up with the tremendous amount of articles, pictures, and posts that are published on the internet. However, there is some progress being made to protect intellectual property, but it is up to the ones who publish and post to become aware of the laws and the realities that are part of using the internet.



Introduction:

For average people, worries of their intellectual property being stolen from a post they made on social media may seem insignificant. However, it is really something that even reaches the average person. Social media has made the issue of publicity law more complex. It involves issues such as a profile name on Facebook, a character in a video game, or a Twitter handle. The fact that social media is new territory leaves the door open for businesses to make serious errors in designing and maintaining their social media sites. A company cannot just leave it up to chance as they throw up a site and not be aware that there are rules to the game of intellectual property and the internet. It is so easy for businesses and the average poster to make serious mistakes when posting to sites. A company cannot just leave it up to chance that they just throw up a site and there are no rules to the game. It is very easy for both the business and the posters to infringe on each other's rights. Already there have been lawsuits that involve employees that have taken their social media followers with them when they leave because it is very easy to just forward the account to a new one that is not connected to the previous company. It is very important for businesses and private individuals to be aware of the land mines

that are lying below the surface if they do not educate themselves about intellectual property laws (Brody and Goetz 2013). One thing that people may not be aware of is that agreeing to a Terms of Service from sites such as Twitter, Facebook and LinkedIn basically gives these sites free license to publish your words for their own commercial benefit and then people have lost control over their intellectual property and forfeit any rights to royalties (Powers 2012). Another important issue is that it is important when doing e-business with foreign countries not to infringe on trademarks and find themselves in litigation in foreign country. Also, it is important to know that domain names are not easy to claim or protect because unless it very famous and recognizable it would not be easy to trademark it in other countries (Emery, McDermitt, and Will 2015). As the internet becomes one of a business's best and most important tools for conducting business in 2016, it is important to know that there are pros and cons to the relatively new territory of the worldwide web.

Ways to Protect Yourself

If users are willing to read the fine print, they will realize that they have signed Terms of Service agreements that give sights such as Facebook the right to use any posts or

entries as they like and have the right to transfer and use any of your Facebook content royalty-free. There have been many times that people have seen their photos used in ads, and some people have seen their spouses used in dating ads. There has been success at having the ads removed because people challenged Facebook and asked them to remove them. Legally, Facebook is within their rights to use any material that is posted, but they are willing to accommodate users when they complain. Twitter has the legal right to sell your pictures to anyone without your consent. All of this may come as a surprise to users of social media because they did not pay attention to the Terms of Service agreement. However, there are ways to protect yourself on social media sites such as having watermarked copyrights on photos and slide presentations. Use copyright symbols on all of your intellectual property. If you notice that your property has been used, contact the party that used it and ask them to take it down (Powers 2012). One consideration that businesses need to be aware of is that if they use Facebook as part of their business model, anyone can post comments and share on their site. This can cause a problem for a business, but by filing with the U.S. Copyright Office for safe harbor, they are protected if they are unaware that a post that someone made was not original (Daily 2007).

Conclusion:

Today, the internet has opened up new ways to reach potential readers, clients and ways that people can share intellectual property. The problem is that if people are not aware that by posting their intellectual property on the internet, they are at risk of losing ownership of it. Businesses need to be aware of ways to protect themselves against losing their intellectual property on the internet, and they need to know the laws that protect them against unlawful use of intellectual

property on the internet. The internet is one of the greatest business opportunities that has ever existed, but with these opportunities come new problems involving the use of intellectual property. People should be aware of ways to safeguard themselves.

References:

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