



Information Security Updates

Intellectual Property

Issue 16

Related Article

Intellectual Property Violations on Campus

Illegal downloading is a hot topic when it comes to consumption of media. Many college students share files without paying for anything, either through file sharing systems like torrenting or by sharing media they already have over the school's network. It is so quick and easy, and can be hard to remember that sharing copyrighted material in this way has been found to be illegal in multiple court cases. Your college or university is under no obligation to protect you from this kind of prosecution.

(http://education-portal.com/articles/After_Napster_In_tellectual_Property_Violations_on_Campus.html)

Related Article

Copyright battles break out in North America

"We are seeing people using more content in a digital environment," explained by Roanie Levy, an intellectual property lawyer and director of Access Copyright, which licenses copyrighted material and has proposed a significant increase in its tariff. "It's starting to play out as an issue that's being dealt with around the world," she added. With digital technology now allowing material to be used in a variety of new ways, Access Copyright wants to raise its fee to \$45 per student for the use of the digital course packs.

(<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=417143&c=1>)

I. Background

Industry Story

Illegal downloading on campus can lead to hefty fines

Unless the University of Oklahoma ("OU") students are willing to fork over \$750 for the latest Beyoncé single, they might want to think twice before illegally downloading songs from the Internet via OU Wi-Fi.

The Recording Industry Association of America ("RIAA") has been suing individuals for a minimum of \$750 for each illegally downloaded song, according to the OU IT website.

OU IT is working with the RIAA by implementing the Affirmation of Compliance, a digital contract for OU users. When students register with the OU network, students agree to avoid copyright infringement while on the OU network, and in turn IT will investigate any questionable downloading through the network.

See the article:

(<http://www.oudaily.com/news/2011/sep/13/illegal-downloading-campus-bringing-hefty-fines/>)

What is Intellectual Property?

Intellectual property refers to a group of separate intangible property rights. It is a number of distinct types of creations and ideas for which a set of exclusive rights are recognised. These include trademarks, patents, copyright, designs, plant varieties and the layout design of integrated circuits.

Why is Intellectual Property important?

Stealing a physical asset is obviously illegal. If you take an asset away without the owner's permission, you are stealing his or her asset. In the other words, you try to take or use an asset without the ownership of the asset.

However, when it comes to any intangible assets stored in the information systems or shared on the Internet, such as e-books, graphics, software, it is usually not an easy job to identify their ownership. To protect such intangible assets or avoid unauthorised usage, it is important to understand the concept of intellectual property and the relevant regulations protecting it.

Reference:

<http://thedartmouth.com/2011/08/16/news/Cyber>
http://en.wikipedia.org/wiki/Intellectual_property
http://www.wipo.int/uipc/en/guidelines/pdf/ip_policy.pdf



Related Article

Government committed to promoting protection of intellectual property rights

The Hong Kong Government attaches great importance to encouraging creativity and promoting public awareness of the need to respect and protect intellectual property rights (IPRs). It provides a level playing field for the business sector and facilitate doing business and promote creativity in Hong Kong through a robust IPRs regime, vigorous law enforcement, cross-boundary co-operation and public education. In order to safeguard the interests of copyright owners, one should never upload or download unauthorised or pirated copyright works or purchase counterfeit goods on the Internet, and should never get involved in Internet piracy activities.

http://www.customs.gov.hk/en/publication_press/press/index_id_809.html

Related Article

U.K. shakes up copyright laws, scraps plan to block websites

Britain will introduce a digital exchange where licences for copyright works may be bought and sold, as part of a revamp of its 300-year-old copyright laws.

At the same time, the government said it would scrap proposals to block websites that publish copyright-infringing material after a regulator found the plan was unworkable.

<http://www.theglobeandmail.com/news/technology/tech-news/uk-shakes-up-copyright-laws-scraps-plan-to-block-websites/article2118325/>

II. Management

Management should identify the following types of intellectual property before planning the strategy to safeguard intellectual properties.

• University-owned Intellectual Property

Many universities are now expected to interact more with industries as well as governmental and non-governmental organisations in consultancy, research contracts and commercialisation of inventions, innovations and research findings.

As a result, more collaboration between universities and external bodies increased the universities' productivity of intellectual properties and their reliance on these properties as a source of income.

If the intellectual properties are stolen, the potential income from the properties will be deteriorated or even lost, which can lead to very high economic loss as well as reputation damage.

• Non-university-owned Intellectual Property

Non-university-owned intellectual properties may impose adverse impact on universities' intellectual protection objective if the usage of such properties is not well regulated.

Some universities may run single-user licensed software on most of their computers. Some computer vendors may even sell hardware to the universities with software pre-installed but without appropriate licences.

Using unlicensed software without the permission of the vendors can pose the universities at a risky position to be sued and penalised. This can incur a very high compensation or litigation cost if universities fail to identify and rectify such violations timely.

Responsibilities of Management

• Establishing Intellectual Property Policy

The establishment of Intellectual Property Policy can protect both the rights of the students and researchers, and the intellectual property itself.

The policy should address how members in the universities should create, identify, maintain, safeguard and protect the intellectual properties owned by themselves or the universities.

References:

http://www.ipd.gov.hk/eng/pub_press/publications/cpr_ed_e.pdf
<http://www.csoonline.com/article/217964/intellectual-property-security-don-t-lose-your-head?page=1>
http://www.cio.com/article/22837/How_to_Avoid_Intellectual_Property_Theft_?page=2&taxonomyId=3099
<http://www.riskvue.com/articles/fs/fs9911.htm>



Relevant Regulations

Hong Kong takes steps to improve copyright protection in the Internet age: the Copyright (Amendment) Bill 2011

The proposed amendment of the Hong Kong copyright laws introduces a new communication right for copyright owners, safe harbour provisions for online service providers, and additional factors to consider by the courts when awarding additional damages for copyright infringement.

(<http://www.lexology.com/library/detail.aspx?g=5d6729df-bbda-4c5b-9134-57dc6fe04099>)

(Further study: http://www.news.gov.hk/en/categories/finance/html/2011/08/20110808_182945.shtml)

Relevant Regulations

Federal rules on campus file sharing kick in

The days of using fat campus bandwidth to download movies and music via file-sharing networks appear to be coming to an end. "The University accepts and responds to Digital Millennium Copyright Act (DMCA) notices," KU officials wrote on its Web site. "Upon receipt of a DMCA notice from a business that has traced unauthorised use of its copyrighted materials back to University servers, the University detects the user at the particular University electronic address indicated, examines the activity at that address, and contacts the individual. Until the situation has been corrected, the user's access to the Internet and to University electronic information resources is disabled."

(http://news.cnet.com/8301-31001_3-20009386-261.html)

II. Management (Cont'd)

• Implement Information Security

Intellectual property protection is part of the overall information security within the universities' network.

The reason is that, in many circumstances, intellectual properties are part of the critical data held within the universities' information systems. In other words, strong protection of intellectual property requires well-established information security policies and procedures.

A good example is the implementation of logical access controls. Management should make sure that the access to information assets with intellectual properties is only assigned to the staff members or students based on their specific job functions or study needs. This control is able to prevent intellectual properties from being used by unauthorised users.

Therefore, strong implementation of information security in the University is crucial to keep intellectual properties away from malicious thieves.

• Appoint Security Officer

Any potential violation of the security of intellectual properties should be reported to the right person in the Management group. A person, like an Information Security Officer, should be assigned to supervise the overall security status of the university's information systems and assets, including intellectual properties. He or she should also be responsible for the governance and implementation of the information security policy.

• Asset Inventory Tracking

The inventory of all information assets such as workstations, laptops and CDs with student personal information owned by the universities should be continuously tracked and maintained. An asset inventory should be created to record the asset details and the respective asset owners. This can help to prevent information assets involving intellectual properties from being accessed or possessed by un-intended personnel like ex-staff members of the universities.

• Promote Awareness and Education

Management should consider raising the awareness of intellectual property protection by organising trainings for its staff and students. This can align their expectation and help to better protect the universities intellectual properties.

On the other hand, the training should also put emphasis on the avoidance of using unlicensed software or unauthorised duplication of information assets with intellectual properties. Well-received trainings can effectively lower the possibilities of intellectual properties infringements and the consequent litigations.

References:

http://www.ipd.gov.hk/eng/pub_press/publications/cpr_ed_e.pdf
<http://www.csoonline.com/article/217964/intellectual-property-security-don-t-lose-your-head?page=1>
http://www.cio.com/article/22837/How_to_Avoid_Intellectual_Property_Theft_?page=2&taxonomyId=3089
<http://www.riskvue.com/articles/fs/fs9911.htm>



Related Article

Cyber theft could destroy US Economy

In August 2011, the cybersecurity firm McAfee released a report detailing its investigation into a large scale cyber attack that includes intrusions into the U.S. federal government and defence contractors, which results in the theft of massive stores of intellectual property. ' plan to block websites.

The report describes these attacks as a profound threat, indicative of a larger trend that may result in "the complete destruction" of the U.S. economy.

<http://globalpublicsquare.blogs.cnn.com/2011/08/15/cybertheft-could-destroy-the-u-s-economy/?iref=allsearch>

Related Article

The Copyright Act at School

Canada's university students are hitting the back-to-school sales for paper, pens, binders and gigabytes of digital storage media. This year, they should also be buying their own copy of Canada's Copyright Act – because they're going to need it.

Over the summer, some prominent universities quietly decided to forgo blanket copyright clearance through Access Copyright¹ for the coming year's academic materials, which leaves students and professors in need of expert guidance.

Note¹: Access Copyright is a collective, a union of individual writers, visual artists and publishers who have pooled their otherwise limited resources to create a one-stop shop for Canadian content licensing.

<http://www.theglobeandmail.com/news/opinions/opinion/heading-back-to-school-hope-youve-memorized-the-copyright-act/article2131989/>

III. General User

Responsibilities of General Users

General users may not be aware that they are actually playing an important role with regards to the protection of the intellectual properties as well as prevent the corresponding infringements.

- **Manage your intellectual property**

Any general users such as students, researchers and faculty staff can be an owner of intellectual property. They should be aware of their intellectual properties, and manage their rights relevant to their intellectual properties. For instance, they should consider reserve some or all rights to copy or republish their work, and transfer only those rights to the publisher whom you have agreed to use your work to conduct their business.

- **Do not use unlicensed software**

Staff members and students should observe the universities' acceptable usage policies by not installing any unlicensed software on campus workstations / laptops. In addition, universities may consider deploying Software Asset Management ("SAM") solutions for monitoring any installation of unlicensed software.

- **Do not illegally duplicate intellectual property**

General users may duplicate intellectual properties like DVDs for personal use if they have purchased from the owners or universities have bought the licences for them. However, using the duplicated copies for commercial distribution or sharing with others who possess no valid licenses is not allowed.

- **Do not use P2P software to share copyright material over the Internet**

Although the use of P2P software provides an efficient way to search and exchange material over the internet, people often use the P2P software to download copyright material such as music, movie over the Internet. This kind of activities is illegal and may cause law suits with copyright owners or their agents such as BayTSP, Inc.

Conclusion

While enjoying the benefit from the information technologies, universities should pay sufficient attention to the protection of intellectual properties by implementing adequate information security mechanisms. General users should follow the policies and procedures established by the universities when using the intellectual properties and be alerted on any possible infringements.

References:

http://www.lib.utexas.edu/services/faculty/protect_ip.html
http://www.ipd.gov.hk/eng/pub_press/publications/cpr_ed_e.pdf
<http://www.dartmouth.edu/copyright/peer2peer/>
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