

Table of Contents

Topic	1
1. Introduction.....	1
1.1 Background to the topic	1
1.2 Research problem.....	2
1.3 Research questions.....	2
1.4 Research objectives.....	2
1.5 Significance of the research	3
1.5.1 Practical significance	3
1.5.2 Academic significance	3
1.6 Limitations	3
2. Methodology	3
2.1 Research method	3
2.2 Conceptual framework.....	3
2.3 Data collection methods.....	4
2.4 Data analysis methods.....	4
3. Literature review	5
3.1 Review on terms	5
3.2 Facebook content and their impact on violation of intellectual property	5

Topic

Facebook content and their impact on violation of intellectual property

1. Introduction

1.1 Background to the topic

Social media is very popular in the modern world. The youngsters and teenagers are using social media heavily to satisfy their demands for the social relationship in the virtual digital platforms. Facebook is one of the major social media website which allows the users to interact with the other users and share many digital contents on the application. However it can be seen that the digital contents are shared on the Facebook without considering of the intellectual property concerns.

The digital contents have the protection of the intellectual property laws. Photographs, videos, writings, and various other digital contents are protected under the intellectual property laws. Use of them without having the proper approval is a violation of intellectual property rights. Since the Internet is allowing the users to share many things most of the photographs and writing contents are publically shared. The photographs, videos, writings and other contents are downloaded and edited by the users of the Internet.

When doing such actions the user may not aware of the intellectual property rights. Also they would not know that they are violating the intellectual property laws. Sometime the ethical consideration should be taken into the account and all the legal considerations would not be able to address the legal protection to the intellectual properties of the Internet. However Facebook is allowing the people to create many posts and news.

Facebook has created a paradigm shift on the socio-cultural environment. Many organisations, celebrities, Internet figures and many other parties are trying to get the attraction of the people through Facebook. Page administrators of Facebook are always trying to improve their page likes and page crowds. In such cases the admins are doing unethical practices to attract more likes or crowd to the page.

Artistic ideas, photos, videos, contents and many other digital products are shared through their pages without considering the violation of the intellectual property rights. This was problematic and Facebook had to take necessary actions during the recent years. Now Facebook has strict intellectual property protection methods. However still it can be seen the violation of rights.

Facebook is focusing on the improvement of the revenue generation through the improvement of the user interactions. However the limitations to the digital contents would limit the feature allocation of the application and it is challenging to the sustainability of the Facebook application.

1.2 Research problem

As it was mentioned the Facebook application is allowing the users to conduct various unethical and unprofessional activities. The violation of the intellectual property rights is one of them and it is essential to identify the ways which would make the potential of violation of intellectual property rights. These areas should be identified effectively and also it is essential to deliver the necessary suggestion and recommendations for the development.

1.3 Research questions

Below it was mentioned the main research question of the proposed study.

- What are potential areas of contents of Facebook which would have the violation of intellectual property rights?

To achieve the answers to the above main research question below sub questioning areas will be further focused.

- What are the current intellectual property legislatures which are applicable to the Facebook contents?
- What are the potential areas which have the chances of intellectual property right violation in Facebook?
- What are recommendation which can be used for the improvement of intellectual property protection in Facebook?

1.4 Research objectives

Based on the research questions below it was mentioned the main research objective and sub objectives of the research.

- To identify the potential areas of contents of Facebook which would have the violation of intellectual property rights.

Below it was mentioned the sub objectives of the research.

- To determine the current intellectual property legislatures which are applicable to the Facebook contents.

- To assess the potential areas which have the chances of intellectual property right violation in Facebook.
- To deliver the recommendation which can be used for the improvement of intellectual property protection in Facebook.

1.5 Significance of the research

1.5.1 Practical significance

Since social media is popular and new, it can be seen limited number of laws and legislatures are applicable to the area. The findings of the research will reveal the considerations of intellectual property violations and potentials of violations. This would encourage the law making authorities address the legislative background of the social media under the concerns of intellectual property rights.

1.5.2 Academic significance

Sri Lankan literature in social media and intellectual property violations is low. The findings of the research supportive to fill that literature gap. Mainly the findings of the research can be further used in the future research activities to deliver further suggestions as well.

1.6 Limitations

Time and resource limitations can be mainly seen during the research. Apart from that the input gathering would be limited to the number of participants and the nature of the questions would be limited under the subject scope of the study. Also the ethical framework of the research is limiting the most of the actions of the data gathering and both legal and ethical concerns should be pursued by the researcher.

2. Methodology

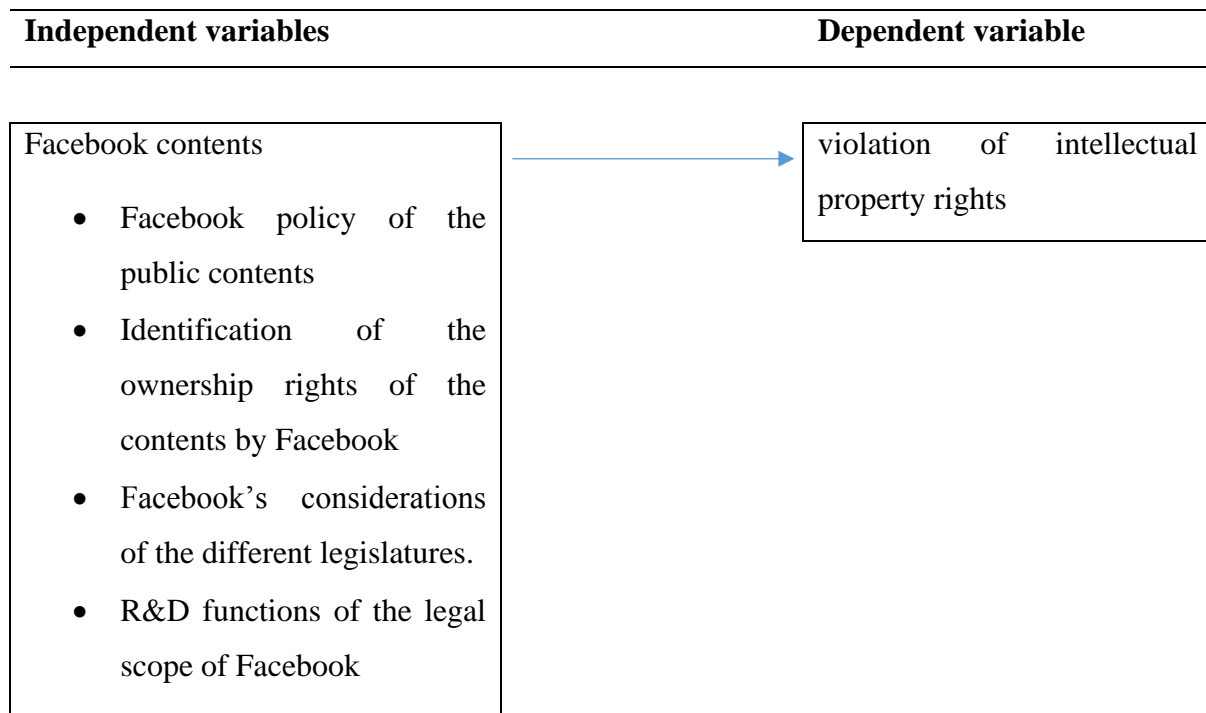
2.1 Research method

The research is focusing on the implementation of the qualitative research approach. The qualitative approach will ensure the collection of immense data to the research data analysis. When it comes to the qualitative data gathering to the research, many areas of the extensive qualitative data sources are assessed critically to answer the research questions effectively.

2.2 Conceptual framework

Below it was mentioned the conceptual framework of the research.

Topic - Facebook content and their impact on violation of intellectual property



2.3 Data collection methods

The research is focusing on the collection of the secondary data to address the proposed research question. Mainly the empirical study of the research will be conducted and under the empirical data collection various written articles, previous legal cases, current legislature and many other secondary data which are found by other writers will be collected to address the proposed research questions.

2.4 Data analysis methods

The empirical review would pursue the qualitative data analysis method. Under the qualitative data analysis it would focus on the identification of the pattern and themes of the collected secondary data to the research. The thematic qualitative analysis would help the researcher to identify the relationship between the dependent and independent variables of the research and based on the findings of the relationship level and themes the necessary suggestions and recommendations will be provided for the development.

3. Literature review

3.1 Review on terms

Intellectual property – Intellectual property or IP defines the outcomes which refers to the creation of the mind and also the property may in the intangible status. Such as literacy, artistic work, designs, images, symbols, names, knowledge, know how, patents, and trademarks. IP mainly supports the creativity and innovativeness of the people by delivering positive legal protection for their ideas¹.

Social media – Social media is an interface which is created using digital and software technologies. It allows people to create individual user accounts and interact with other users of the system, communicate and collaborate with them as a real community under the virtual atmosphere. Facebook is such social media web application which is functioning in the World Wide Web (WWW). One can visit Facebook application through a desktop computer or smart mobile phone by visiting the web address (URL) <http://www.facebook.com>.

Digital contents – Digital contents has the virtual intangible nature. To view or execute the digital contents it is essential to have digital devices. The contents are delivered as data streams which should be processed in a processor of a digital device to deliver the understandable outputs to the user. The outcome may be a visual outcome, audible outcome, or single or collection of sensory outcome².

3.2 Facebook content and their impact on violation of intellectual property

Facebook allows its users to share various digital contents. These contents may include images, symbols, stories, videos and other multimedia files³. All the contents are in the virtual nature. However digital contents are also creations of the people. When creating the digital contents the people are taking considerable effort to improve the clarity and quality of the content. Some of the contents are in the highest level of artistic nature and also can be used for the commercial purposes as well⁴.

¹ Richard Arnold, 'Content Copyrights And Signal Copyrights: The Case For A Rational Scheme Of Protection' (2011) 1 Queen Mary Journal of Intellectual Property.

² P. Charnley, 'Copyright In Newspaper Headlines And Online Media Monitoring Services' (2011) 6 Journal of Intellectual Property Law & Practice.

³ P. Charnley, 'Copyright In Newspaper Headlines And Online Media Monitoring Services' (2011) 6 Journal of Intellectual Property Law & Practice.

⁴ Caleb Ferguson and Debra Jackson, 'If It's Posted, Is It Published? Intellectual Property, Conferences And Social Media' (2014) 21 Collegian.

It can be seen that there are several cases in the social media which improves the attention to the protection to IP. Curtis James Jackson, (also known as 50 Cent) v. Grupo Industrial Hotelero, S.A., 2009 U.S. Dist. LEXIS 116770 (S.D. Fla. Apr. 28, 2009) is a good example for the intellectual property violation through social media⁵. The plaintiff took actions against Grupo Industrial Hotelers for using his group brand name G-Unit for the promotion of Coco Bongo nightclub⁶. The advertisement was published on YouTube through Google.com. Plaintiff won the case and judge defined that the Grupo Industrial Hotelers has conducted a violation of intellectual property rights. Minn. Pub. Radio v. Va. Beach Educ. Broad. Found., Inc., 519 F. Supp. 2d 970 (D. Minn. 2007) is another case which occurred due to the violation of IP rights through a popular social media named Myspace⁷.

When it comes to the Facebook, the organisation has already identified the potentials of violations in the IP rights in their social media application. Therefore they have taken necessary proactive actions to ensure the protection of IP rights on their social media site. Facebook has created various policies and practices in the application to avoid the violation of IP rights and limit actions of the users for using IP to gain various financial and non-financial advantages.

The Facebook Statement of Rights and Responsibilities defines their policies and practices over the IP on the Facebook. In the policy under the topic three and subsection two it was defined that the Facebook users should not use or share things on Facebook which would infringes or breaches someone else's rights⁸. The same topic described that the Facebook has the right to take away such sharing or publish on the Facebook page to ensure the protection IP in the application⁹. Under the same main topic, subsection three and four define the permissions that the users give to Facebook and their policy on the protection of IP rights in the application. Facebook is proactively supporting the protection of the IP rights and the main topic four of the Facebook Statement of Rights and Responsibilities defines the actions which would be taken against the users during the instances of violating the IP rights¹⁰. User account suspension

⁵ Caleb Ferguson and Debra Jackson, 'If It's Posted, Is It Published? Intellectual Property, Conferences And Social Media' (2014) 21 Collegian.

⁶ Lee Freeman and A. Graham Peace, Information Ethics (IGI Global 2005).

⁷ Jaq Greenspon, 'Social Media And The Art Of Intellectual Property Theft' (2016) 12 Media Transformations.

⁸ Jon Garon, 'Social Media In The Workplace From Constitutional To Intellectual Property Rights' [2013] SSRN Electronic Journal.

⁹ Caleb Ferguson and Debra Jackson, 'If It's Posted, Is It Published? Intellectual Property, Conferences And Social Media' (2014) 21 Collegian.

¹⁰ Caleb Ferguson and Debra Jackson, 'If It's Posted, Is It Published? Intellectual Property, Conferences And Social Media' (2014) 21 Collegian.

and removal of the contents would be mainly done in the application when such incident occurred¹¹.

However the application is using the image and symbol identification software to deliver the positive protection to the IP on the application. Although it is harder to address all the areas which have the potentials of violation of the IP rights¹². Therefore Facebook is taking contingent approach to ensure the protection of IP through their policy modification. However the application has created a complete pathway to address the IP rights violations¹³. The user can make complaints to the Facebook when their rights are violated and Facebook would take necessary actions to take away the contents which have the violations of IP¹⁴.

Designs and Patents Act 1988 of the UK legislature defines that the graphical designs, illustrations and other creations would be considered as the IP¹⁵. Therefore the use of such item without having proper permission of the original owner is a violation of IP¹⁶. However it can be seen that the social media is functioning in the Internet and therefore the illegal action may be conducted in other legislature of an international country¹⁷. In such cases the execution of the law and establishment of the legal process will be challenging¹⁸. Only the law can force the social media application to remove the content from the online platform¹⁹. The images, and other digital contents are shared viral in the social media. Once it gets to the Internet it is harder to stop the illegal downloads, modification of the contents and various other misuses. However when sharing own contents in the social media, the user should be aware that he is delivering the contents which has a higher potential for the IP violations. It can be seen that Facebook and other social media have taken the necessary technological implementation for the protection of the contents and the user should use those options to ensure the positive IP protection to the contents²⁰.

¹¹ Jaq Greenspon, 'Social Media And The Art Of Intellectual Property Theft' (2016) 12 Media Transformations.

¹² Richard Haynes, Media Rights And Intellectual Property (Edinburgh University Press 2005).

¹³ Y. F. Lim, 'Digital Media And Copyright Law In Asia' (2007) 3 Journal of Intellectual Property Law & Practice.

¹⁴ Rami M Olwan, Intellectual Property And Development (Springer 2013).

¹⁵ Joseph Savirimuthu, 'Trade Marks In The Age Of Social Media' (2016) 11 Journal of Intellectual Property Law & Practice.

¹⁶ Måns Svensson and Stefan Larsson, 'Intellectual Property Law Compliance In Europe: Illegal File Sharing And The Role Of Social Norms' (2012) 14 New Media & Society.

¹⁷ Peter K Yu, Intellectual Property And Information Wealth (Pentagon Press 2009).

¹⁸ Jaq Greenspon, 'Social Media And The Art Of Intellectual Property Theft' (2016) 12 Media Transformations.

¹⁹ Lee Freeman and A. Graham Peace, Information Ethics (IGI Global 2005).

²⁰ Caleb Ferguson and Debra Jackson, 'If It's Posted, Is It Published? Intellectual Property, Conferences And Social Media' (2014) 21 Collegian.

