DiDIY Rights and obligations

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WP6 Main Aims

1. to investigate and provide a permanent reference about the **main legal issues** associated with the social diffusion of DiDIY;

2. to investigate the **ethical implications** of DiDIY on rights and responsibilities;

3. to investigate the **creative design implications** of DiDIY on rights and responsibilities;

4. to assure the dissemination of the **Project results** under free licenses and open standard formats, and its raw data as Open Data.

1. Main legal issues

Some starting points:

- How to protect shared designs / design commons? → how effective are existing open hardware licenses? what threats and opportunities?

- How to avoid infringement of patented designs & proprietary protections → fair use & legal exceptions and limitations (flexibility) → non-commercial, private use & experimental use

- Other non-"IPR" related legal aspects

- What relevant differences in diferent countries?

1.1. "Intellectual Property Rights"

Mainly:

- Copyright (→ free/open licenses)

- Design right

- Patent right

- Trademark right

1.2. Other legal aspects

- **Warranty regulations** for finished products, self-assembly kits or for self-repair of finished products

- **Safety regulations and insurance** of DiDIY technologies

- **Privacy and anonymity** of users and participants

1.3. methodology (task 6.2)

- Case studies

- Interviews

- Legal Advisory Board (task 6.1)

2. ethical implications (task 6.4)

- The task will carry out a critical investigation of the ethical impacts and threats of DiDIY and their relevance for legal rights and responsibilities.

- Ethical considerations will be considered here as input for possible regulations and laws in the area.

2.1. (War on) Filesharing

- Gartner predicts for 2018 "*3D printing will result in the loss of at least $100 billion per year in IP globally.*"

- Technically: BitTorrent, Bitcoin, Ethereum etc

- 2012: TPB introduced "physibles"

- 2014: TPB taken down, but now published under a free license → 100s of replicate servers
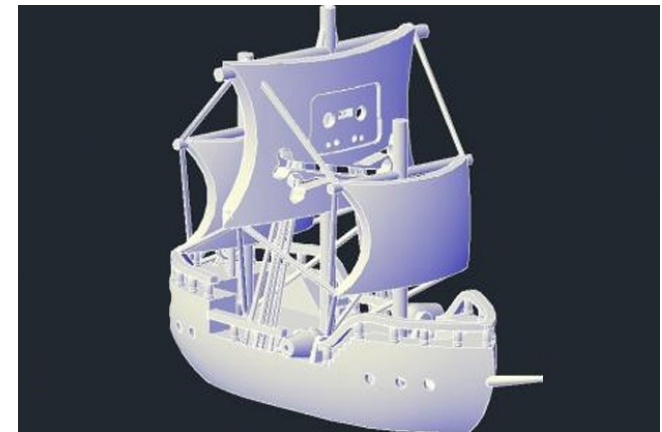
2.2. Biopiracy, weapons, ...

- Threats of privatising seeds, bio genetics, ...
- Threats of terrorist attacks, 3D printed guns, …

- Threats of corporate lobbies pushing for regulations restricting citizens' rights
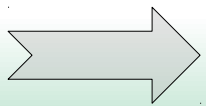
⇒ Openness vs. centrally controlled

2.3. Patent Bargain

- Political deal: *disclose technical solution and get 20 years intellectual monopoly: to encourage innovation and the progress of science and useful arts...*

- But...

  - What if patents are often used to dominate markets and avoid the entrance of newcomers?

  - What if the patent system is full of uncertainty, trolls and dominated by the big and powerfull?

  - What if different forms of encouragement can be more effective?

By: EFF

FKI 2015

2.4. Ethical economy

- Cooperative, social economy

- Ecology, sustainability

- Supply chain:

  - Transparency

  - Fairtrade

  - Proximity, local production

- Commons principles, incl. replicability

3. creative design implications (task 6.5)

- How do online collaboration and peer production affect rights and obligations?

  – Publication

  – Prior art

  – Voluntary collaboration

  – (no) contracts

- Repairability

- Modular design

- Reverse Engineering

3.1. Originality

- Prior art requirement in patent claims: threshold of originality

- Contribute improvements to the work of others in collaborative open design communities

3.2. Global-local production

- Global sharing of design and R&D efforts of what is "**light**"

- Local production of what is "**heavy**"

- Economies of **scale** vs. economies of **scope**

4. project results (task 6.3)

- *"results should be equally accessible and reusable by all European citizens and organisations"*

- Free licenses (note differences with "open licenses")

  - Proposal:

    - Documents: CC BY-SA

    - Software: N/A (GPL, …)

    - Databases: CC0

- Open Standards and free file formats

  - Proposal: ODF, PDF, HTML, SMTP, …

4.1. Deliverables

Deliverable	Title	Lead	Deadline
D6.1	Dominant legal challenges and solutions practiced	FKI	M20
D6.2	Report on ethical impact for regulation	AC	M24
D6.3	Legal practices of DiDIY hardware technologies	FKI	M26
D6.4	Legal aspects of dissemination of the project results	FKI	M26
D6.5	Use of open standards and collaboration tools	FKI	M26
D6.6	Creative design and laws, rights and responsibilities	POLIMI	M26

Other relevant details

- Who is in the team

    - FKI: Wouter, Marco

    - LIUC

    - UOW

    - ABACUS

    - MMU

    - AC

    - POLIMI

- Start dates WP6: project states Month 15; change request: start at Month 1