

## COPYRIGHT LAW IN RELATION TO E-COMMERCE

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## **Introduction**

For the last few decades, the world has experienced unprecedented changes that have changed the way things are currently being done. For instance, the advent of internet technology has among others changed the way people communicate and go about shopping various products and services. In particular, it can be explained that while one has to be physically present in a shop in order to buy products or other services in the past, that is no longer the case as people can now comfortably buy various products and services online and have the purchases delivered to their preferred delivery address.

Nevertheless, the unprecedented developments have also brought about various challenges and in other cases, the development had intensified some of the challenges that were experienced prior to the developments taking place. For instance, one of the challenges that has been intensified by the advent of internet technology entails the issue of copyright infringement since even though the subject of copyright infringement was a major issue in the past, the internet technology has made the problem more bigger as data can now be stolen and transferred to another location within a few key strokes. This paper focuses on the subject of copyright law in perspective of E-Commerce that has both opponents and proponents before coming into a conclusion whether copyright law is ideal or not. Nevertheless, it is important to point out from the onset that the paper advocates for the copyright law in e-commerce.

## **Overview of E-Commerce Copyright Law**

Modern technological innovations have made it easy for unprincipled individuals to visit a website, download a photo or some phrases from the website, and then use it in their own sites while claiming ownership of those contents. Indeed, anyone who owns a website is aware of the fact that there is a high chance that at some time, he/she will find the contents that he/she has used in his website been used by someone else in another website. For those who are versed in legal matters, they might pursue the issue through the legal system while those who are not familiar with the law would be pondering on what they need to do in order to ensure that they get the content copied from their sites pulled down.

As explained by Copyright.gov (2015)<sup>1</sup>, copyright entails a type of safeguard that is entrenched in the Constitution of the United States and established by law for original works of authorship fixed in a tangible medium of expression. Thus, copyright can be entailed to cover either work that has been published or even work that is not yet published. While compared to a patent, it can be explained that while a patent safeguards innovations and discoveries, copyright safeguards works of original authorship. In short, what that means is that work that has been copyrighted cannot and should not be copied without the consent of the owner of the material that needs to be copied.

Nowadays, many owners of online business that have e-commerce platforms tend to be misinformed as they believe that they can operate under the notion that they can easily use anything that they find on the internet without been asked by anyone.

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<sup>1</sup> Copyright.gov. *Copyright Law of the United States*. <http://copyright.gov/title17/0> . 2015.

Nevertheless, as per the copyright law, whether a website is non-commercial or commercial, copying anything from any type of website without the consent of the owner entails infringement of the copyright law and is punishable by law. For example, an online store that sells similar products to another online store that has images of the products cannot copy those images without the consent of the owner of the site as doing so would be considered as stealing (Lasorsa, 2008)<sup>2</sup>.

### **Inadequacies of E-Commerce Copyright law**

Even though one might consider the E-Commerce copyright law to be ideal as it helps ensure that owners of e-commerce platforms are protected, not everyone is of that view as there are some who strongly oppose the existing e-commerce copyright law due to the fact that that it has some shortcomings.

One of the arguments that is put forward by those who oppose the e-commerce copyright law is that the law is basically a law in paper but very hard to implement. To support that argument, the issue of tracking content copyright is often cited. For example, an online merchant who is based in Iran or other parts of the Middle East can copy content from a website that is based in US and not be recognized since it is almost impossible to track the duplicate content as well as the merchant as they have different type of customers<sup>3</sup>.

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<sup>2</sup> Lasorsa, Peter. *Copyright law for Ecommerce Merchants*. [www.practicalecommerce.com/articles/841-Copyright-Law-for-Ecommerce-Merchants](http://www.practicalecommerce.com/articles/841-Copyright-Law-for-Ecommerce-Merchants). 2008.

<sup>3</sup> Barr, David D. "The Need of a Broad Standard in Global E-Commerce" *The Internet Law Journal*, Dec. 26, 2000

Apart from that, another inadequacy can be explained has been the lack of proper mechanism to punish those who are caught infringing the law. For example, in the previous example of an online merchant based in Middle East copying content from an online merchant based in US, it would really be hard to punish the merchant specifically due to the fact that some countries do not have extradition agreements with other countries while even in cases where such agreements exists, some countries are not keen to send their citizens to other countries where they are alleged to have committed crimes<sup>4</sup>.

In that perspective, it can therefore be explained that as it stands, the existing e-commerce copyright law has some inadequacies that needs to be addressed if the law was to have the intended impact since at the moment, as already pointed out, the law cannot be able to fully fulfill what it is meant to fulfill.

### **Positive aspects of the law**

Even though the e-commerce copyright law has some shortcomings as has already been pointed out, it can be explained that the law has got some positive aspects. The first advantage is that to some extent, the law helps minimize cases of copyright infringement in the country since merchants who are aware of the existence of the law are less likely to assume the existence of the law as they are aware of the repercussions that might emanate from the failure to comply with the law. Thus, even though there is

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<sup>4</sup> Shoniregun, C.A., "Intellectual Property Rights of Multimedia Enriched Websites", Communication of the ACM: Ubiquity, Volume 3, Issue 37, Oct 29. (2002).

still some chances of the e-commerce copyright law been infringed upon, the existence of the law helps minimize the cases.

Moreover, it can also be discussed that the existence of the law makes it easy for those who are caught infringing the law to be punished. Indeed, if there was no law that pertains to copyright infringement in case of e-commerce, it would have been practically impossible to punish anyone who copies materials from other sources and fails to acknowledge them. Nevertheless, the existence of the law implies that when one is found to be guilty of infringing the copyright law, there are specific punishments that can be issued to the party that has infringed the law.

On a different perspective, it can be discussed that the existence of e-commerce copyright law helps promote innovation since the fact that one cannot simply copy from another source implies that one has to develop his/her own unique contents and that can be said to help promote innovations.

### **Proposed changes**

As has already been established, the main challenge that is faced in view of the e-commerce copyright law is that it is a major challenge to enact the law worldwide implying that the extent to which the law can be considered to be effective is only limited to the national boundaries. Nevertheless, the fact that the internet technology makes the world become interconnected implies that there is a need for measures to be put in place in order to ensure that all countries collaborate to help address the issue of e-commerce copyright infringement. In order for such measures to be effective, the issue has to be addressed from an international perspective and might result to the

establishing of international e-commerce copyright law most likely through the United Nations platform.

### **Conclusions**

In conclusions, it can be explained that the issue of copyrights in content of e-commerce is an important issue that needs to be addressed from an international perspective since the fact that it is an international issue implies that it would be practically impossible for any country to be of the opinion that it will address the issue on its own. In that view, it is suggested that the US government should submit a draft motion in the UN Assembly and advocate for the establishment of an international law that will help curb the increasing case of e-commerce copyright infringement.

## References

Barr, David D. "*The Need of a Broad Standard in Global E-Commerce*" *The Internet Law Journal*, Dec. 26, 2000

Copyright.gov. *Copyright Law of the United States*. <http://copyright.gov/title17/0> . 2015.

Lasorsa, Peter. *Copyright law for Ecommerce Merchants*.

[www.practicalecommerce.com/articles/841-Copyright-Law-for-Ecommerce-Merchants](http://www.practicalecommerce.com/articles/841-Copyright-Law-for-Ecommerce-Merchants). 2008.

Shoniregun, C.A., "*Intellectual Property Rights of Multimedia Enriched Websites*", *Communication of the ACM: Ubiquity*, Volume 3, Issue 37, Oct 29. (2002).