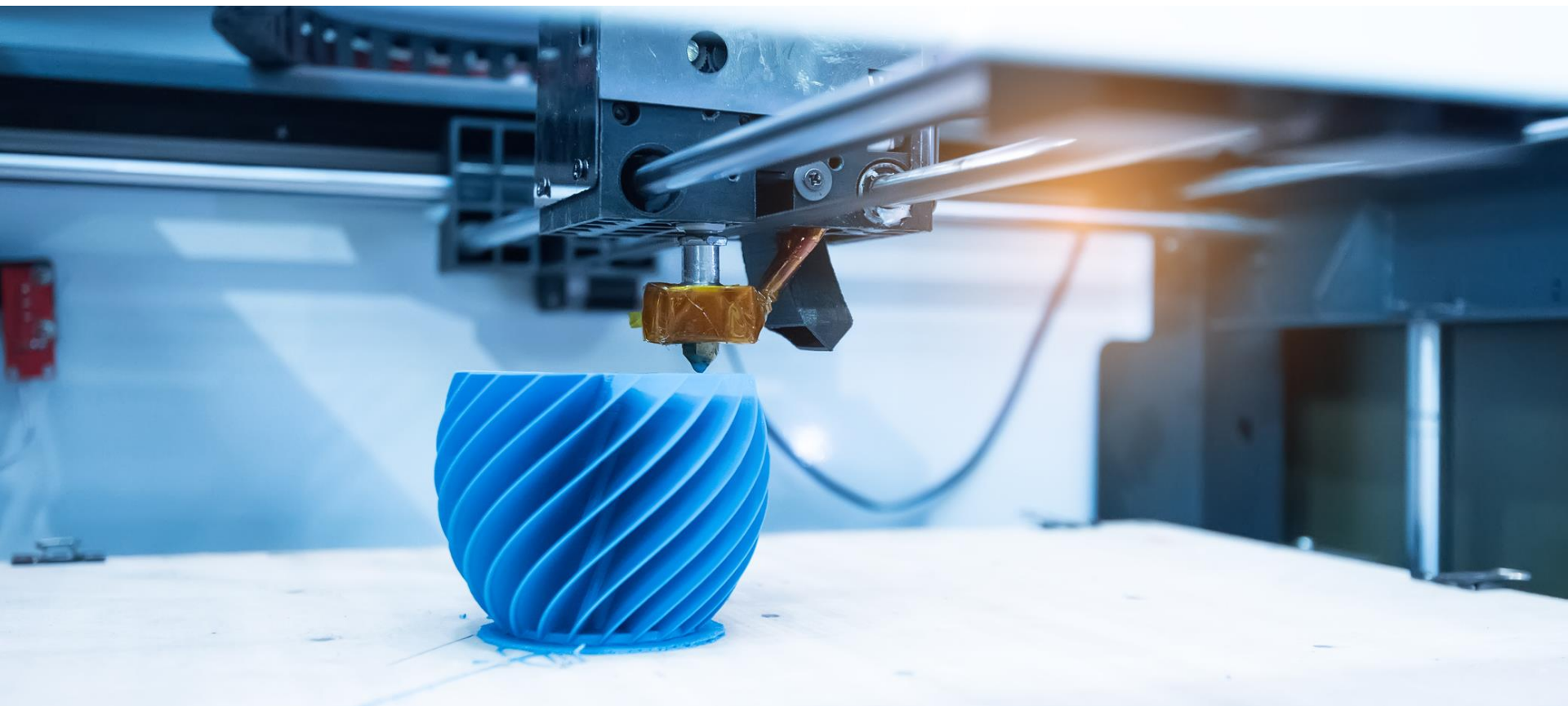


**Baker
McKenzie.**

3D Printing - copyright

Iona Silverman



Agenda | What we will cover

A close-up photograph of a 3D printer's nozzle, which is a small metal tip with a yellow protective cap, printing a blue, ribbed, spherical object. The printer's frame and other mechanical parts are visible in the background.

1

Copyright in products

2

Copyright in CAD files

3

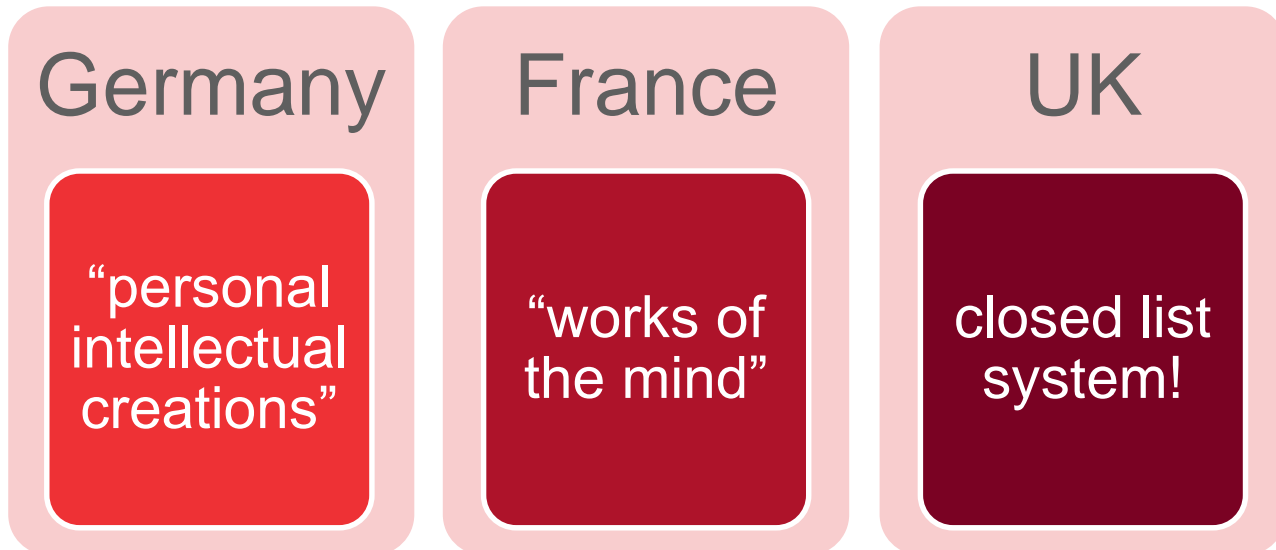
Copyright exceptions

4

Who to pursue

Copyright – what is a copyright work?

- There is partial harmonisation of copyright law
- What is a copyright work?
 - Computer programs, databases and photographs are protected by copyright only if they are their author's own intellectual creation.
 - All other works are protected subject to national laws:



Copyright - UK

- Copyright only protects 8 categories of works
- Artistic works limited to:
 - a) a graphic work, photograph, sculpture or collage, irrespective of artistic quality,
 - b) a work of architecture being a building or a model for a building, or
 - c) a work of artistic craftsmanship.
- The stormtrooper helmets were not deemed to be sculptures or works of artistic craftsmanship



Copyright

Question referred / Issue

Are stormtrooper helmets protected by copyright, either as sculptures or works of artistic craftsmanship?

Facts:

- Mr Ainsworth made the Stormtroopers' armour for the Star Wars films. He started the armour both as a complete set and the helmet alone.
- LucasFilm alleged copyright infringement.

Held:

- Copyright does not subsist in the stormtrooper helmets which are neither sculptures nor works of artistic craftsmanship
- Sculptures: the “only real **purpose** [of the helmets] is play”
- WOAC: “their purpose was not to appeal to the **aesthetic** at all. It was to give a particular impression in a film” therefore the helmets were not artistic.

Upheld by the Court of Appeal and the Supreme Court [2009] EWCA Civ 1328 and [2011] UKSC 39

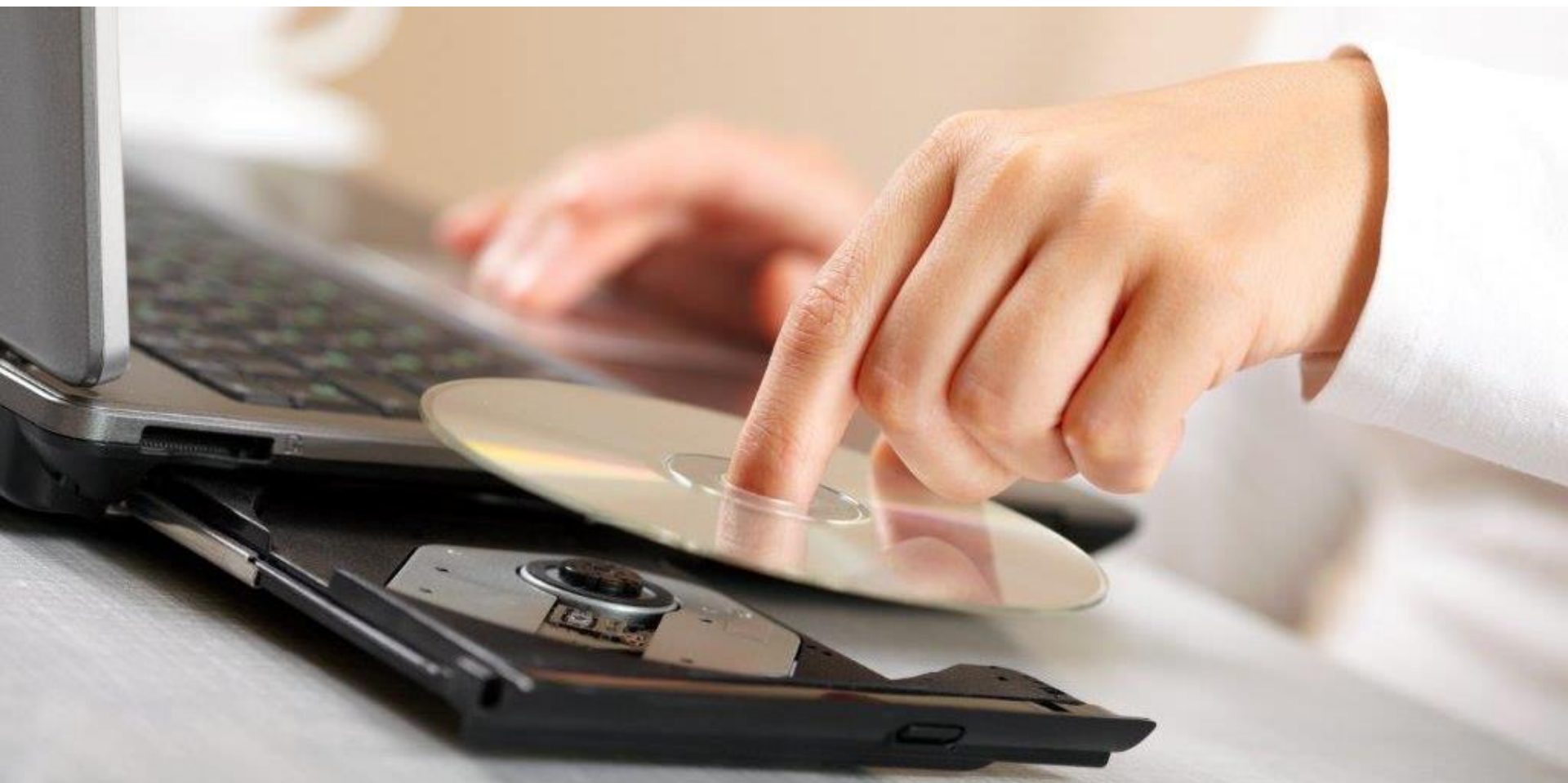
Copyright

- Copyright exists in computer programs therefore design files are protected
- Copying a design file infringes literary copyright
- But does making a work from a design file infringe copyright?
- s.51 CDPA - if a design file is a design document, printing an article from a design file does not infringe copyright in the design file unless the article itself constitutes an artistic work



Copyright – personal copies for private use exception proposed

Exceptions – private copying



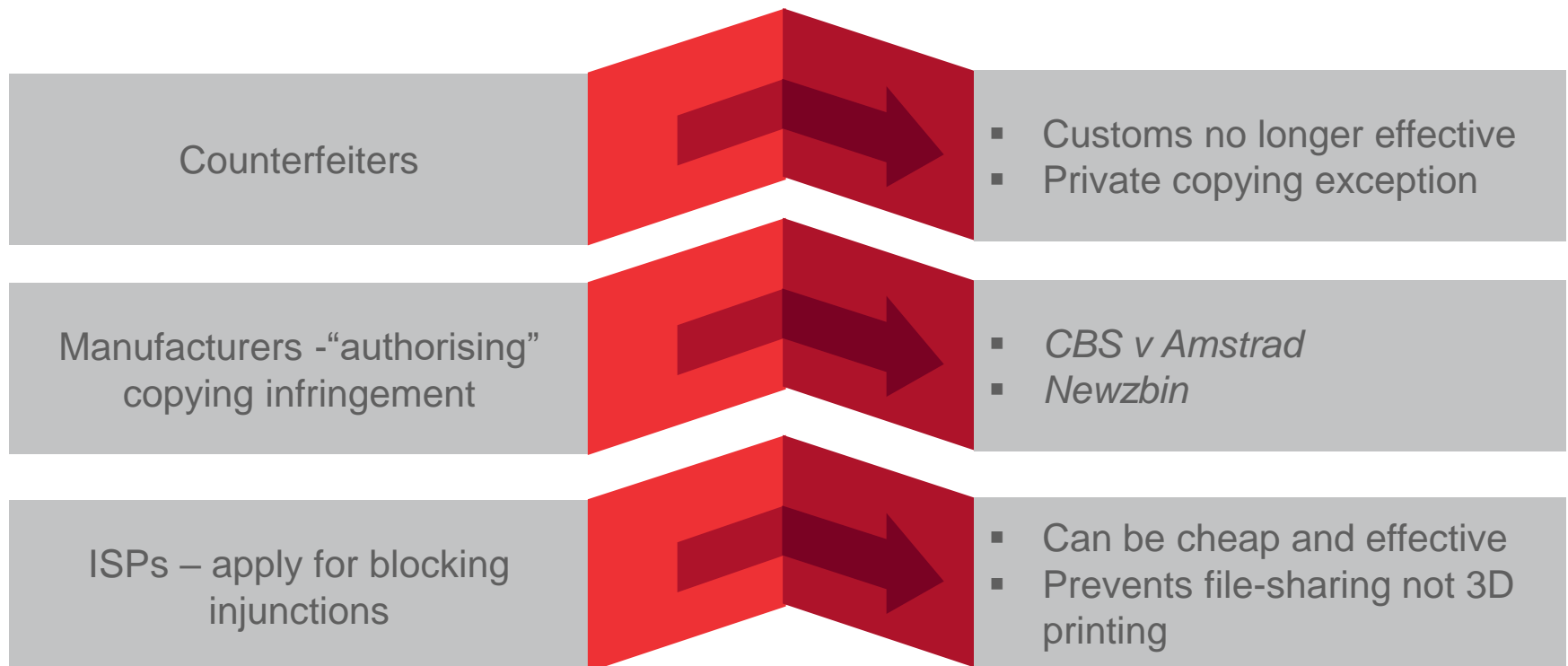
3D printing - copyright





Taking action

3D printing – who to pursue?



Consider selling digital files?

Authorising Infringement



Copyright in a work is infringed by a person who without the licence of the copyright owner does, or authorises another to do, any of the acts restricted by the copyright.

S.16(2) CDPA

Authorising Infringement

Question referred / Issue

Does the manufacturer of a
twin deck tape player
authorise copyright
infringement by the user?

Facts:

- Amstrad sold twin-deck tape players which enabled one tape to be recorded onto a blank tape.
- CBS claimed that Amstrad authorised user infringement under s.16(2) CDPA.

Held:

- Authorising means the grant or purported grant, express or implied, of the right to do the act complained of.
- While Amstrad conferred on the purchaser the power to copy, it did not grant or purport to grant the right to copy.
- Amstrad did not authorise infringement.

Key takeaway:

- Merely enabling another to infringe does not suffice. There has to be some act by which the person alleged to have authorised infringement purported to grant authority to do the act in question.

Authorising Infringement

Question referred / Issue

Does a website which enables users to download infringing content authorise copyright infringement by the user?

Facts:

- Newzbin was a website that acted as a search engine, indexing files and enabling premium users to download the copyright-infringing content.

Held:

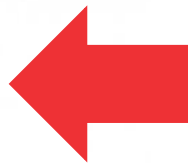
- Newzbin was liable, as any reasonable member of the public would think that Newzbin had the authority to grant the required permission to copy any film found on Newzbin.

Key takeaway:

- It is necessary to consider whether it was inevitable that it would be used to infringe, the degree of control which the supplier retained and whether he has taken any steps to prevent infringement.

3D printers

Authorising Infringement



newzbin2
nzb search done right

Guest
[Login] [Register]

Home | Index | Browse | Search | My Account

Home > Browse > Category > Resources

Checked: 0 items, totalling 0 MB Post Date: Asc Sort

Displaying 1 to 50 of 1,767 reports

Size	Title	Post Age
Resources	Yorkshire 1881 Census [CD 1]	26 days
(694.1MB)	Resource Type: Genealogy alt.binaries.cd.genealogy.reports	
Resources	Lancashire 1871 Census [CD 1]	23 days
(708.5MB)	Resource Type: Genealogy alt.binaries.cd.genealogy.reports	
Resources	Lancashire 1871 Census [CD 2]	23 days
(704.7MB)	Resource Type: Genealogy alt.binaries.cd.genealogy.reports	
Resources	Lancashire 1871 Census [CD 3]	22 days
(779.8MB)	Resource Type: Genealogy alt.binaries.cd.genealogy.reports	
Resources	Lancashire 1871 Census [CD 4]	22 days
(757.1MB)	Resource Type: Genealogy alt.binaries.cd.genealogy.reports	
Resources	Lancashire 1871 Census [CD 5]	21 days
(766.8MB)	Resource Type: Genealogy alt.binaries.cd.genealogy.reports	
Resources	Lancashire 1871 Census [CD 6]	21 days

What is Newzbin?
Newzbin is the Google of Usenet.
Newzbin has simplified the once arcane process of getting files from Usenet and made finding them much easier. We are the number one website for indexing and categorising Usenet with a huge community of users.

Why use Usenet?
Imagine you distribute PDFs of political pamphlets. Usenet is a superior method for sending and receiving them than BitTorrent or file-shockers. Your ISP and the government can't do deep packet inspection on your internet connection to see what you are doing. Usenet providers use SSL encryption but you'd need to pay for a VPN service to be protected if you use torrents or file-shockers.

Other users in your swarm, such as the Chinese government, can snoop on your use of torrent to distribute Free Tibet PDFs. No-one can do that on Usenet. Also Usenet providers keep no logs of your use.

If you are downloading PDFs using a torrent your speed may be very slow, depending on the number of peers that make the PDF available. But with Usenet your broadband connection will be maxed out - even if you are the only person in the world downloading - a Usenet provider will typically have many Petabytes of files, as much or more than are available via BitTorrent, and in more subject areas.

Create an account

The Pirate Bay already has a “physibles” downloads section

Blocking injunctions

The Pirate Bay has a
“**physibles**” downloads
section

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The Grizzly 3D Printed Handgun


Type: [Other > Physibles](#)
Files: [1](#)
Size: 9.4 MiB (9851518 Bytes)

Tag(s): [Printed Gun](#) [Grizzly Rifle Handgun](#) [Canadian Liberator](#)

Uploaded: 2013-10-27 10:34:05 GMT
By: [Canadiangunnut](#)

Seeders: 15
Leechers: 1
Comments: 0

Info Hash:
78F0FAA2D8992828C2554A3A51DFA1DF072094EE



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3D printed handgun based on the Canadian Grizzly Rifle. Designed for .22LR with 12", 8", 6" & 4.2" barrels.

The author of these files claims absolutely no liability for any damages, criminal charges, injury, or death resulting from use of these files.

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Blocking injunctions



Member States shall ensure that rightholders are in a position to apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right.

Article 8(3) Information Society Directive

Key Takeaways

Taking action

- Rightsholders may seek to take action against:
 - Counterfeiters
 - Manufacturers of 3D printers
 - ISPs providing access to infringing P2P file sharing sites
- Consider adapting your business model to sell digital files



Conclusion

Conclusion

- Fast developing area – the law has not caught up with technology
- Does the private copying exception introduce a hole in protection in your country?
- Consider how best to seek to capitalise on 3D printing and retain protection



About the speaker



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Iona has a First Class Msci in Physics with a European Language from Nottingham University. Once qualified as a lawyer in the UK, she completed an MA in UK, US and EU Copyright Law at King's College, London, with distinction.

Iona joined Baker & McKenzie as a trainee in 2007, qualified into the intellectual property department in 2009.

Iona's practice covers all areas of contentious and non-contentious IP work. Iona has been involved in copyright and trade mark litigation at the High Court, the Court of Appeal, the Supreme Court, the CJEU and the Copyright Tribunal. She has significant experience in corporate transactions and trade mark licensing and ownership, and frequently advises on complex design and copyright questions.



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