Editorial

netWorker

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Wanna Buy a Ringtone Real Cheap?

As I read the daily news feeds from the digital realm, I am often struck by the casual absurdity of our laws and regulations regarding ownership of intellectual property. In the words of the ACLU's Christopher Hansen as quoted in this month's *netWorker* cover story, "Patently False," federal courts have recently interpreted patent laws "so broadly as to make it possible to patent anything," no matter how obvious or abstract. And copyright laws have been stretched to the point where big media companies, especially, seem comfortable with the idea that customers should never actually own the digital content they purchase. Any change of venue—from laptop to television to iPod—and typically we are asked to pay again.

Of course, it gets worse: I recently received a pitch for a single 30-second ringtone that gently asked me to schedule annual payments *for the rest of my life*. It would have been funny if it weren't so troubling (actually it was funny) and so contrary to what copyright laws were originally intended to do: promote the creation of new works by allowing authors to reasonably profit from the sale of existing works.

In the world of computer software, patents have been granted for basic, widely shared ideas ever since the misguided State Street ruling of 1998. But it may actually be time for common sense to prevail. The Federal Circuit Court of Appeals has agreed to hear the crucial *Bilski* patent case, and preliminary signs suggest that the court is warming to the idea of repairing the U.S. patent system via an enlightened ruling. If the result is that software patents disappear entirely, they will remain protected, in a different way, by copyright. Perhaps the coming "regime change" in Washington will inspire our public officials to tackle copyright issues next. Until then, I know I'll stay busy scheduling all those reasonable annual payments.

Ken Korman,
Executive Editor

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