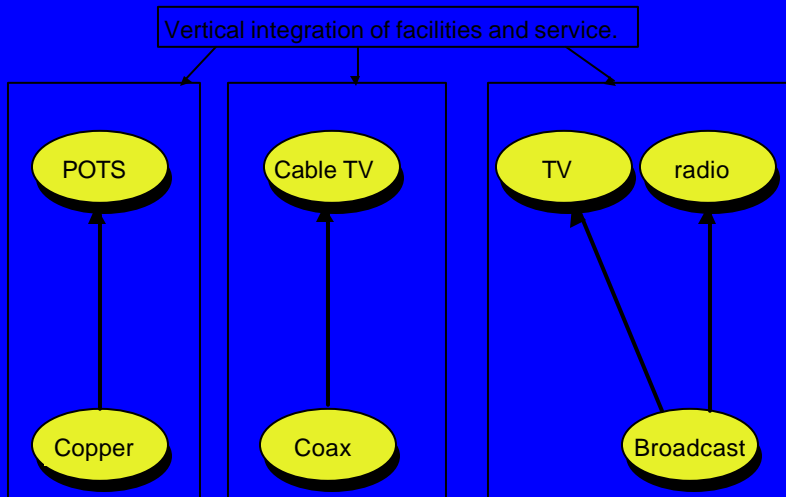


# Privacy

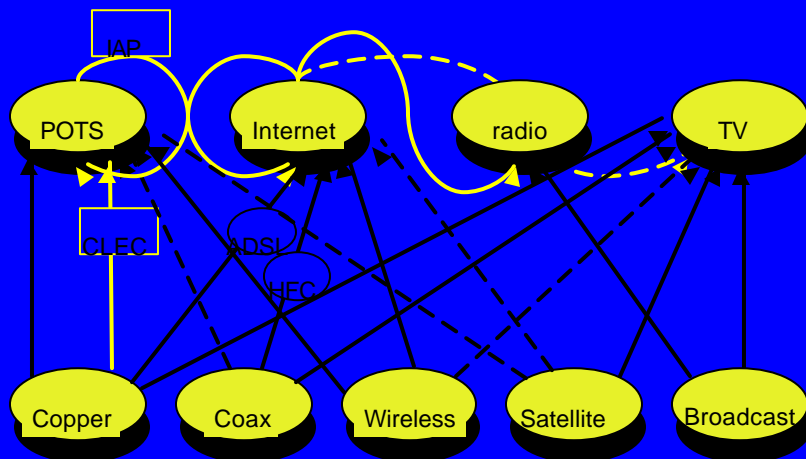


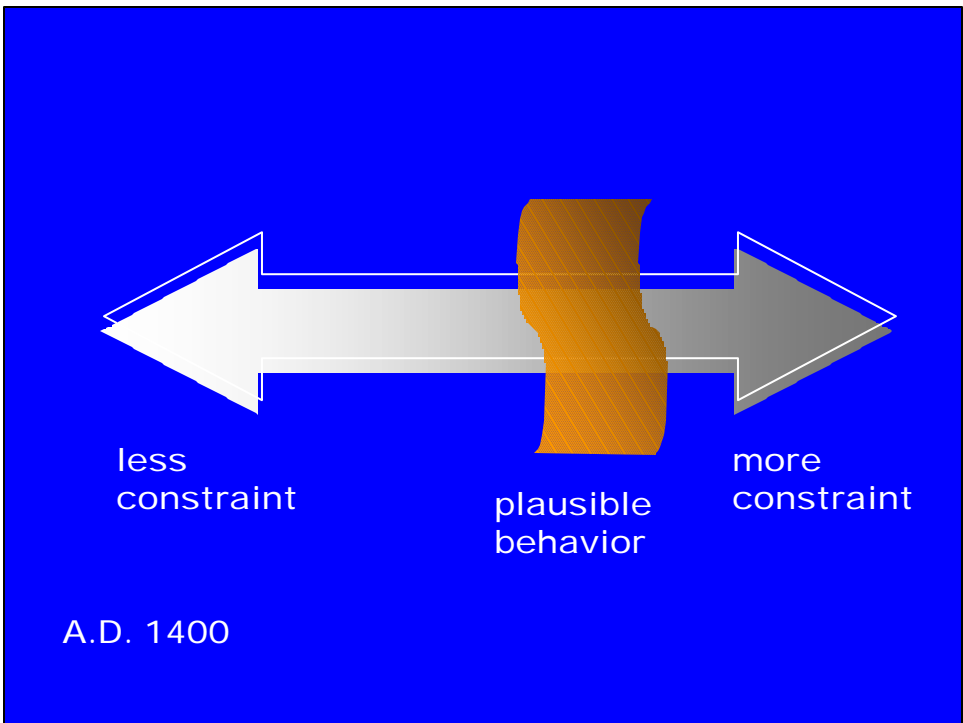
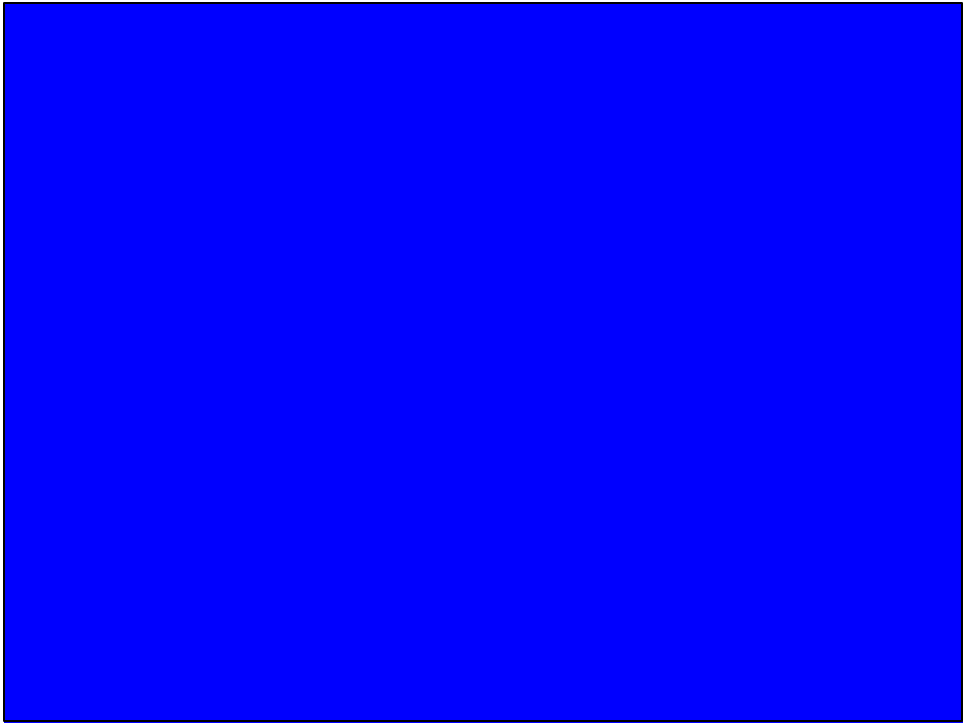
Jon Zittrain  
Healthcare Transactions and Code Sets, Privacy , etc., etc.  
20 August 2001

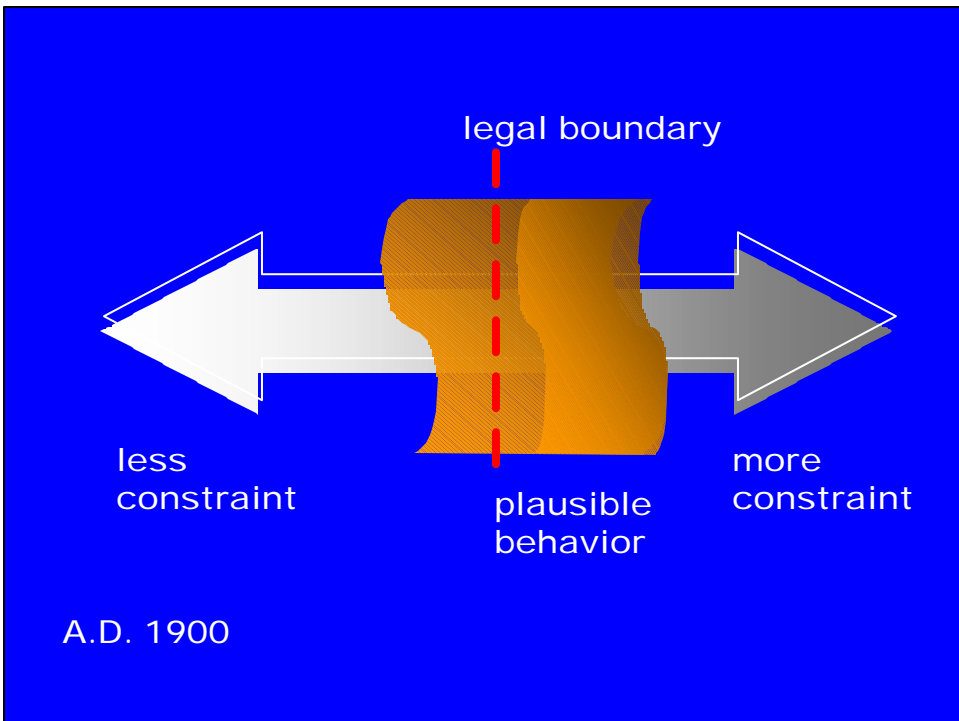
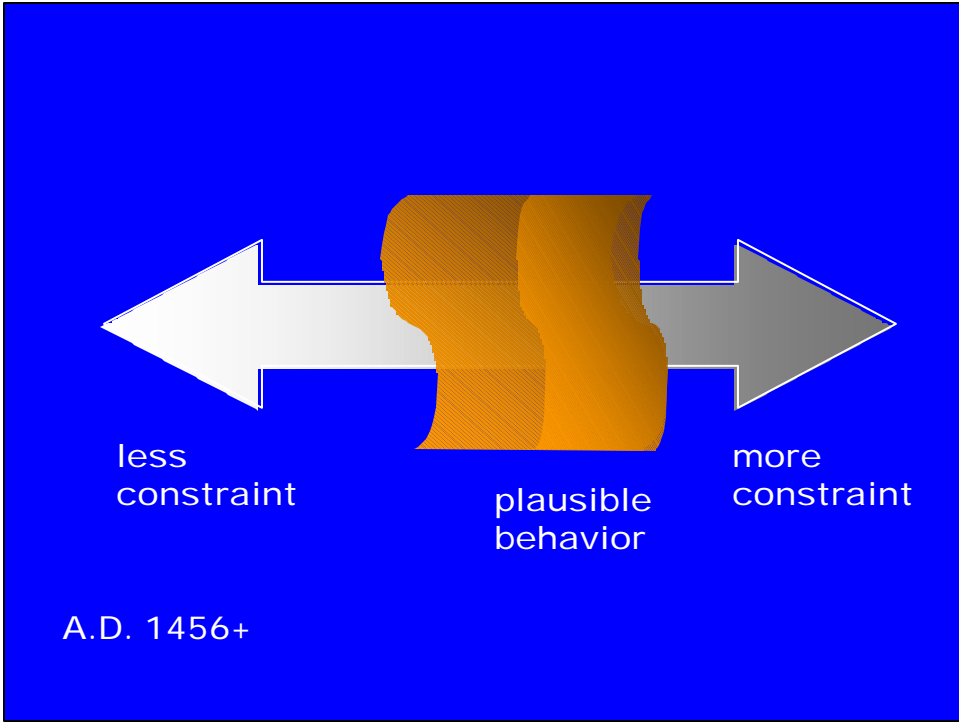
# The old order

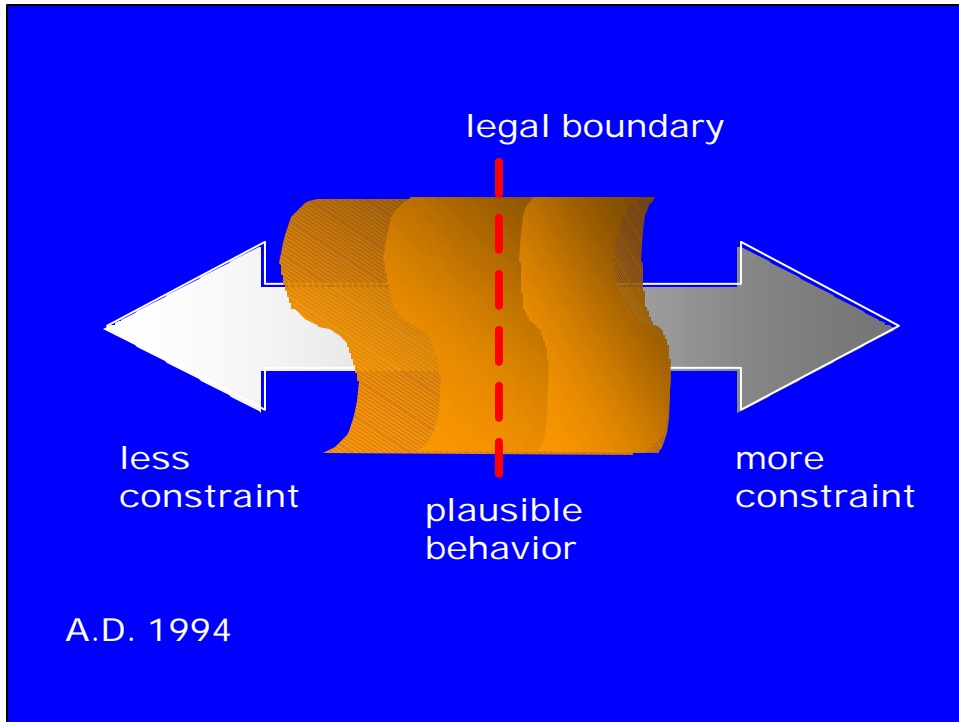


# The emerging order









## Internet '94

C.S.M.: "Who Pays for What on Tomorrow's Internet?"

It's a thought that strikes terror in the hearts of entrepreneurs: What if their visions of on-line commerce turn out to be a mirage? What if all the information they hope to sell on the so-called Information Highway is free?

The threat is real enough that publishers, technologists, and legal scholars have begun a raucous debate. Their focus is how to protect copyrights in cyberspace.

## Internet '95

Robert A. Cinque, NOTE: MAKING CYBERSPACE SAFE FOR COPYRIGHT: THE PROTECTION OF ELECTRONIC WORKS IN A PROTOCOL TO THE BERNE CONVENTION, 18 Fordham Int'l L.J. 1258, April, 1995

Telecommunications [n1] and the "information superhighway" [n2] facilitate instantaneous mobility of literary and artistic works in the form of text, video, and audio recordings. [n3] With the click of a mouse or the tap of a key, virtually anyone with a computer and a telephone can obtain vast quantities of information from almost anywhere on the globe. [n4] These conditions pose a [\*1259] formidable challenge to the international protection of intellectual property.

## Barlow

Wired, "The Economy of Ideas," 1994

Legal efforts to keep the old boat floating are taking three forms: a frenzy of deck chair rearrangement, stern warnings to the passengers that if she goes down, they will face harsh criminal penalties, and serene, glassy-eyed denial.

Intellectual property law cannot be patched, retrofitted, or expanded to contain digitized expression any more than real estate law might be revised to cover the allocation of broadcasting spectrum (which, in fact, rather resembles what is being attempted here). We will need to develop an entirely new set of methods as befits this entirely new set of circumstances.

## Barlow

Ed Hore, "Will the 'information highway' make IP obsolete?," Lawyers Weekly

Since I write a column on intellectual property, my attention was naturally caught by the words "everything you know about intellectual property is wrong" on the cover of the March issue of Wired magazine.

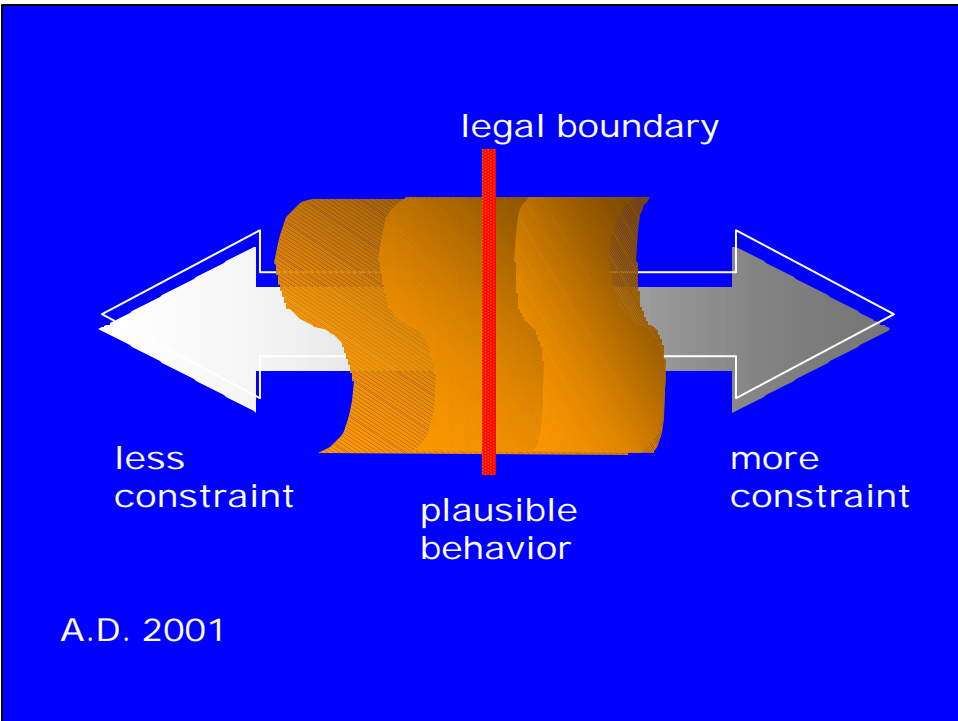
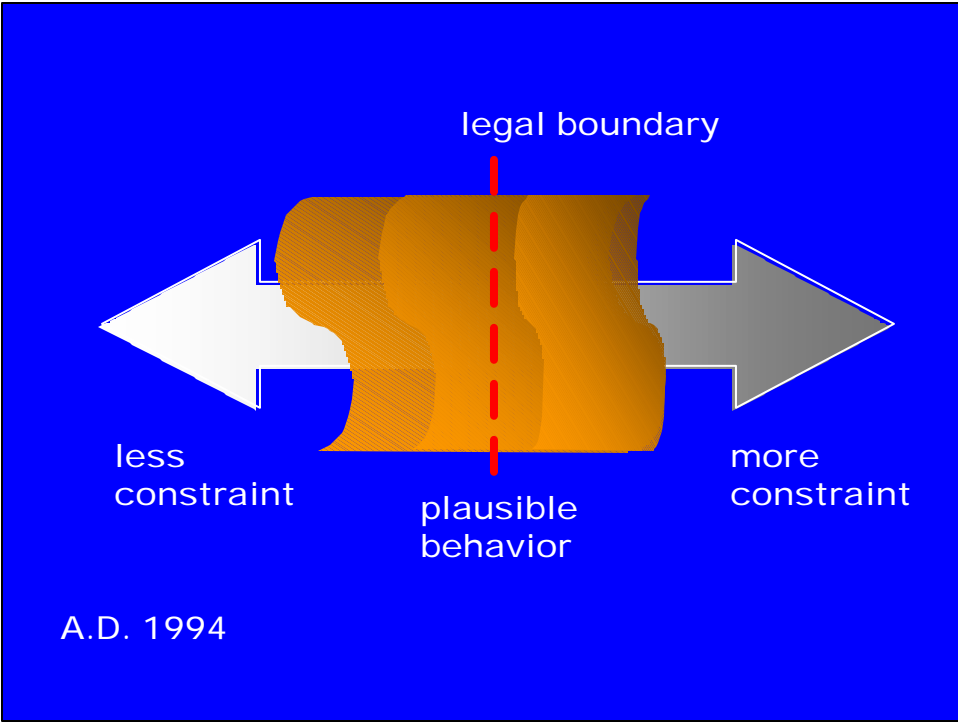
The full title of the article is "The Economy of Ideas; a framework for rethinking patents and copyrights (everything you know about intellectual property is wrong)" by John Perry Barlow, who is, according to a short blurb accompanying the article, "a lyricist for the Grateful Dead."

## Barlow

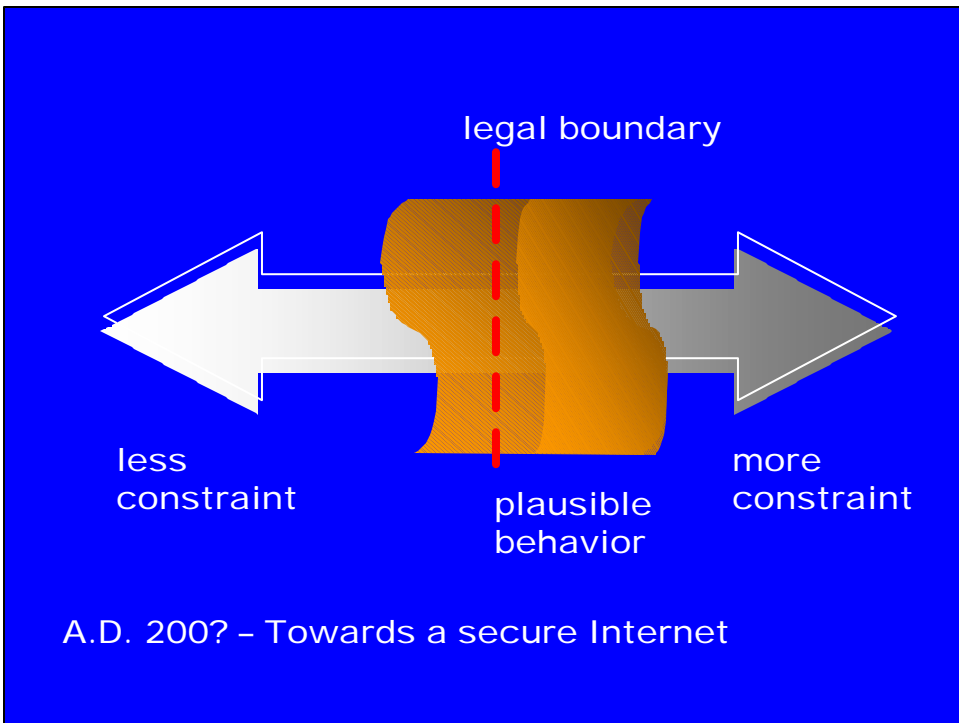
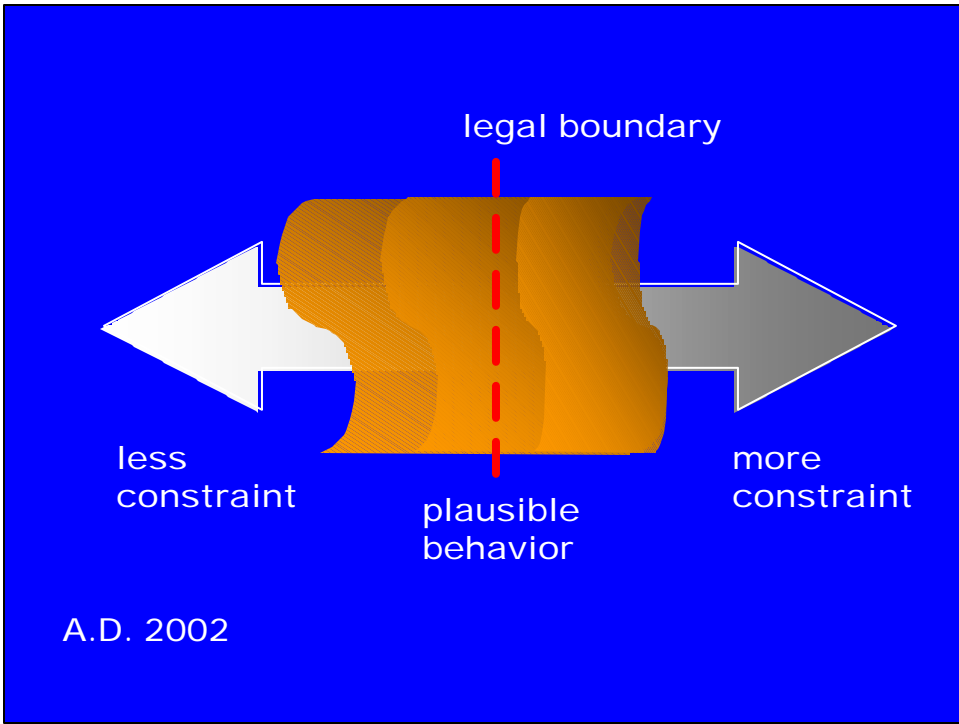
Ed Hore, "Will the 'information highway' make IP obsolete?," Lawyers Weekly

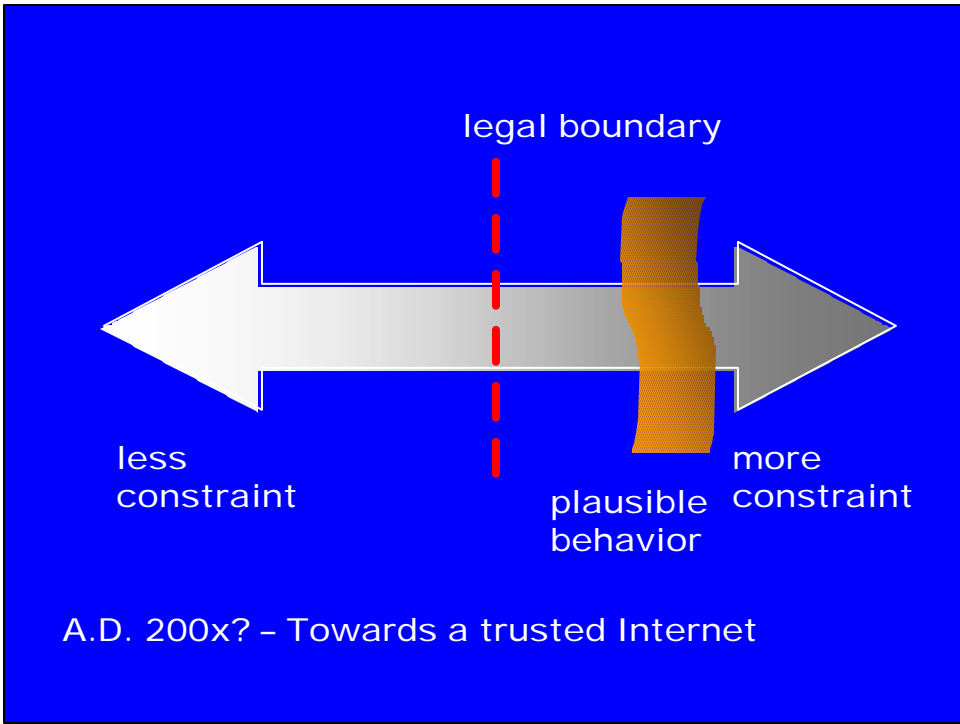
The thesis of the article, as far as I can make out, is that copyright and patent laws are outmoded because they are based on physical embodiments of ideas, and are meaningless in the age of high-tech when everyone sends digitized information back and forth over the Internet (or information superhighway or whatever you call it).

In the end I concluded only that Mr. Barlow must have consumed more than his share of prohibited substances while writing all those Grateful Dead lyrics.









from property to privacy