

# Swa 43

Law



**ASSIGN  
BUSTER**

SWA 43 Administration of justice through safeguarding people's rights and freedoms is one of the functions of law. Intellectual property law, a branch of law, protects individuals' intellectual creativity by outlining rights over an original production. This paper seeks to evaluate a case to determine liability and prescribe remedy over infringement of intellectual property.

Facts of the case involves Rick who wrote a song and inscribed the words "© 1990 by Rick Reed" on the first page of his music. He then heard his music being played in a bar four months later but deemed the setting inappropriate for his music.

The issue for determination in the case is whether there was infringement of intellectual property right to warrant a remedy. There exist three classes of intellectual property rights: patent, copyright, and trademark, for which a property owner is protected. Copyright laws protects a property owner's interest by offering an " exclusive right to control reproduction, distribution, public performance, and display" of a subject intellectual property (Fas, p. 1, 2). A patent on the other hand protects a property owner from other parties' imitation of the property or dealing in the property while trademark laws protect a party's registered symbols. Violation of the copyright laws constitutes both civil and criminal liability with infringing copyright laws leading to remedies such as injunction and damages (Halpern, Nard and Port, p. 43, 169, 170; Fas, p. 5, 6).

In the case, Rick published a song which was, without his approval, performed at a bar leading to infringement of his copyright rights over the song. He is therefore entitled to an injunction to stop further performance of the song at the bar.

Works cited

<https://assignbuster.com/swa-43/>

Fas. "Intellectual property rights violations: Federal civil remedies and criminal penalties related to copyrights, trademarks, and patents." CRS Report for Congress. 31st October 2008. Web. 20th July 2012. < <http://www.fas.org/sgp/crs/misc/RL34109.pdf> > Halpern, Sheldon, Nard, Craig, and Port, Kenneth. Fundamentals of United States Intellectual Property Law: Copyright, Patent, Trademark. Fredrick, MD: Kluwer Law International, 2011. Print.