
INTELLECTUAL PROPERTY

i-SAFE Lesson Plan

Suggested Grade Level 8 (color code – blue)

Learning Objectives

Learners will

- develop an understanding of the concept of intellectual property and its legal uses
- understand responsible use of Intellectual property online

Enrichment Goal

i-SAFE enrichment activities are designed so that they can be implemented by students. Provide your students with the necessary reference materials included with this lesson plan and guidance on how they can complete this activity. Suggestions include getting support from an adult advisor, school club, student council, technology team, etc. i-SAFE also offers a wide range of online support for students who register (free of charge) at www.isafe.org, including the i-Mentor Training Network videos.

Learners will share the mock trial on intellectual property rights with others via a selection of modes.

Materials / Preparation

- Online access to the i-SAFE assessments, if appropriate for this lesson
- A copy of activity pages for each student
- Copies of the mock trial script if needed
- Student registration in mentor program at www.isafe.org

Pre Assessment

If beginning the i-SAFE program with this lesson, administer the pre assessment online at www.isafe.org by clicking on the link, Assessments, prior to the lesson. To verify School ID#, login at isafe.org, go to the “My Info” page and select “Find your school ID”.

Lesson Procedures

All students participating in the i-SAFE curriculum are considered to be mentors. If they haven't done so already, have students enroll online by clicking on “Create Account” at www.isafe.org to take full advantage of the support and incentives offered. This may be done at any time during the lessons, or students may complete this registration at home. If you would like to register your students yourself simply go to <http://www.isafe.org/teachermentorprogram> and fill out the information for your students and email to outreach@isafe.org. Your students will then be enrolled to receive information about sharing internet safety with other students and will be registered to participate in contests to win prizes.

Discussion 1

- Introduce the topic: Inform the students that today they will be talking about intellectual property theft and participating in a mock trial to facilitate understanding of the consequences of such theft for both the owner and the perpetrator.
- Guide a brief discussion about property and lead into a definition of intellectual property.

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- Ask students what they consider to be property. Discuss their answers and list them on the board.
 - Ask students if something one of them thinks up, and then writes, draws, or makes, is property. Ask how this is different from regular property.
 - Discuss why these items should be considered property - many people make their living from them, they belong to, or are owned, by the creator.
 - Pass out Activity pages, and have students read it over. Continue the discussion with the following topics.
 - What does *Copyright* mean? *Copyright* is protection provided by the laws of the United States to the creators of things like books or other written works, as well as other dramatic, musical, and artistic works. To be copyright protected the works must be in tangible form. This protection means that the owner has control of what can be done with his or her Intellectual Property.
 - *Copyrighted* works are protected from being copied, distributed, performed, or changed without the creator's (or owner's) permission. This protection is available to both published and unpublished works, and applies to students' work.
 - What does the term *intellectual property* mean? Intellectual Property is a name used intellectual material, or material that is intangible (you can't touch it) - ideas, music, written word, pictures. You may not be able to touch it, but it does have value to the person who made it.
 - Have the class brainstorm examples of intellectual property that they think have some type of value to the creator or owner.
 - Possible examples: music you hear on the radio makes money for its owners, an author makes money from his books, a school project made by a student may get a good grade.
 - Discuss - if intellectual property has value, would it be okay to steal it from the one who owns it? Why or Why not?
 - Have students show by raising their hands if they have ever copied a picture, used someone's idea, downloaded music, software, or movies off the Internet. Talk about whether this is stealing now that they have refined their definition of property to include intellectual property.
 - Discuss – why is it their (and all cyber citizens') responsibility to ensure that Intellectual property rights are respected? Compare lawlessness in the physical community to lawlessness in the cyber community – will legal freedoms for all on the Internet be jeopardized by those who use it to commit crimes?
 - Reinforce the idea that it is the responsibility of every person who uses the Internet to make responsible choices when using Intellectual property.

Discussion 2

Briefly discuss the Supreme Court ruling from July 2005 on peer-to-peer networks, and the possible consequences. (Use the lesson plan update located at the end of this lesson plan as a resource.)

- The ruling states that any software or technology that *promotes* or *fosters* an environment of copyright infringement becomes liable.
- Based on this ruling, the music and movie industry can now take software and technology designers to court for the court to decide whether the software program promotes or fosters such an environment.
- Possible Consequences to consider:
 - It is expected that the format will need to be changed to monitor content in some way or legalize downloads. Others may charge fees, etc.
 - Users may see many peer-to-peer networks disappear rather than try to change.

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- A slowdown in technological innovation. It has been suggested that the cost of lawsuits and the threat of expensive court cases could cause many tech companies to have to fold.

Peer-to-Peer Mock Trial Activity

- i-SAFE has provided a script of a mock trial. It is available to use as the teacher sees fit. There are three choices:
 - 1 Do not show the script to students, allow students to conduct their own trial, which includes formulating questions, arguments, etc.
 - 2 Allow students to see the script as a reference for types of questions they can ask, etc.
 - 3 Use the script verbatim. Provide the students with copies of the mock trial, and allow them to choose roles to play. Give them a chance to familiarize themselves with the role and the rules of the case.
- Allow the students to conduct a mock trial. Act as a guide to ensure proper courtroom procedure is followed. If need be, the teacher may act as the judge to maintain order, or the students may be allowed to take complete control. The assignment can be adapted to best fit the climate of your classroom.
- i-SAFE encourages teachers to videotape their trial and send it in to i-SAFE. Well-done court trial tapes will be incorporated into i-SAFE curriculum and be placed on the website.

Please send tapes to:

Mock Trial Videos
i-SAFE America, Inc.
5963 La Place Ct. #309
Carlsbad, CA 92008
Attention: Education

Discuss Results of the Trial

- Discuss what students have now learned about Intellectual Property responsibilities from the mock trial. List consequences of intellectual property theft to both the owner and the perpetrator.
- Review the concepts of intellectual property and the necessity for respecting copyright laws.
- Discuss why it is important to discuss Intellectual Property issues with others and how to be proactive in dealing with it.
- Encourage students to make a difference in their school when it comes to Intellectual Property Issues by registering at www.isafe.org for additional activities, materials, and support concerning this issue.
- Have students brainstorm ways to teach others about issues such copyright and plagiarism.
- Lead into a discussion about the enrichment activity.

Enrichment Activity

Youth who participate in activities to share what they have learned about Internet safety are more likely to practice safe habits online. Additional lessons and support for students, teachers, and parents on Internet safety topics are available from i-SAFE Inc. www.isafe.org.

Students can receive additional information, materials and support to complete this project on their own from www.isafe.org, including a downloadable student toolkit. Direct students to the Kids and Teens section (X-Block) at www.isafe.org to access the i-Mentor Training Network's free online training module videos.

Suggestions for sharing your knowledge about intellectual property use with others:

- Invite another class or group to watch the mock trial.
- Videotape the mock trial and play it over closed circuit for others.
- Write letters to the newspaper, editor, etc. on what was learned from the trial.
- Create and post a webpage advocating ways to prevent plagiarism

Post Assessment

Administer the post assessment online at www.isafe.org by clicking on the link, Assessments, if this is your last lesson for i-SAFE. To verify School ID#, login at isafe.org, go to the "My Info" page and select "Find your school ID".

Related lesson

The i-SAFE lesson *Copyright and Fair Use* covers the issues of copyright and fair use in more depth.

Contact us

- We'd like to hear from you! E-mail teachers@isafe.org to share any unique ideas and/or experiences you had during implementation of this lesson.
- Students who participate in enrichment activities may be eligible for i-SAFE's monthly Most Valuable Mentor award – let us know about deserving students.

Peer-to-peer Networks

MGM vs. Grokster Supreme Court Ruling (July 2005)

How the Court Ruled:

"For the same reasons that Sony took the staple-article doctrine of patent law as a model for its copyright safe-harbor rule, the inducement rule, too, is a sensible one for copyright. We adopt it here, holding that one who distributes a device with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties."

What This Means:

Previously peer-to-peer Networks have won many court cases with the argument that just because they provide technology, they cannot be responsible for how the user intends to use it – i.e. they are not responsible for the fact that their technology/software promotes downloading and sharing of movies and music.

However, this ruling states that any software or technology that *promotes* or *fosters* an environment of copyright infringement becomes liable. This ruling DID NOT state that Grokster was liable. That is for the lower courts to decide. Based on this ruling, the music and movie industry can now take software and technology designers to court for the court to decide whether their software/technology promotes or fosters such an environment.

Possible Consequences:

An end to many peer-to-peer networks as we know them is possible. It is expected that the format will need to be changed to monitor content in some way or legalize downloads. Users may see many peer-to-peer networks disappear rather than try to change. Others may charge fees, etc.

Another possible consequence could be a slowdown in technological innovation. It is suggested that the cost of lawsuits and the threat of expensive court cases could cause many tech companies to have to fold.

Illegal Peer-to-Peer Activities

Using a peer-to-peer network to share music, movies, software, etc. that is protected by copyright protection is an illegal use of this network configuration.

Legal Peer-to-Peer Activities?

So are there legal peer-to-peer activities? Will future peer-to-peer networks survive? Some say yes. Peer-to-peer is the wave of the future as more and more information that is not limited by copyright becomes available.

For example, several picture-hosting companies are considering a peer-to-peer network configuration for picture exchanging and downloading. This is a perfectly valid use of the peer-to-peer configuration. By setting up for that purpose, advertising for that use, and limiting to that type item, a valid peer-to-peer network scenario is born.

Discussion:

- What are some valid uses of peer-to-peer networks?
- In the future how might companies make valid use of the peer-to-peer network configuration?
- Have you used a peer-to-peer network for downloading?

From the Court Records

What is Considered Inducement?

As to what the defendants did wrong here that could lead to a finding of inducement:

"Three features of this evidence of intent are particularly notable. First, each company showed itself to be aiming to satisfy a known source of demand for copyright infringement, the market comprising former Napster users. StreamCast's internal documents made constant reference to Napster, it initially distributed its Morpheus software through an OpenNap program compatible with Napster, it advertised its OpenNap program to Napster users, and its Morpheus software functions as Napster did except that it could be used to distribute more kinds of files, including copyrighted movies and software programs. Grokster's name is apparently derived from Napster, it too initially offered an OpenNap program, its software's function is likewise comparable to Napster's, and it attempted to divert queries for Napster onto its own Web site. Grokster and StreamCast's efforts to supply services to former Napster users, deprived of a mechanism to copy and distribute what were overwhelmingly infringing files, indicate a principal, if not exclusive, intent on the part of each to bring about infringement.

Second, this evidence of unlawful objective is given added significance by MGM's showing that neither company attempted to develop filtering tools or other mechanisms to diminish the infringing activity using their software. While the Ninth Circuit treated the defendants' failure to develop such tools as irrelevant because they lacked an independent duty to monitor their users' activity, we think this evidence underscores Grokster's and StreamCast's intentional facilitation of their users' infringement. [fn 12]

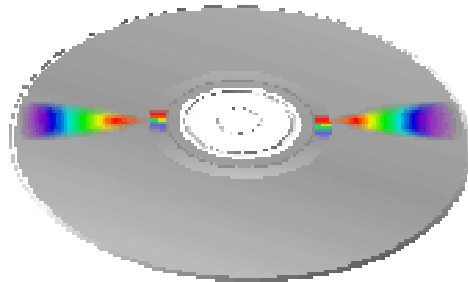
[fn 12] Of course, in the absence of other evidence of intent, a court would be unable to find contributory infringement liability merely based on a failure to take affirmative steps to prevent infringement, if the device otherwise was capable of substantial noninfringing uses. Such a holding would tread too close to the Sony safe harbor. Third, there is a further complement to the direct evidence of unlawful objective. It is useful to recall that StreamCast and Grokster make money by selling advertising space, by directing ads to the screens of computers employing their software. As the record shows, the more the software is used, the more ads are sent out and the greater the advertising revenue becomes. Since the extent of the software's use determines the gain to the distributors, the commercial sense of their enterprise turns on high-volume use, which the record shows is infringing."

Intellectual Property Theft

Intellectual Property is a name used for material, or something that is *intangible* (you can't touch it). You may not be able to touch it, but it does have value to the person who made it.

Examples are:

1. An idea
2. Invention
3. Expression or literary creation
4. Unique name
5. Business method
6. Industrial process
7. Chemical formula
8. Computer program process
9. Presentation



For example, a unique name – no one else can take the name *Disney* and use it.

Copyright is legal protection provided by the laws of the United States to the creators of things - like books or other written works, as well as other dramatic, musical, and artistic works. Copyrighted works must be *tangible* and are protected from being copied, distributed, performed, or changed without the creator's (or owner's) permission. This protection is available to published and unpublished works.

That means - something you create is protected.

Copyrighted material cannot be ripped-off!

In today's world, the Internet allows us easy access to ideas, creations, programs, etc., making Intellectual Property easy to steal.

Peer-to-Peer Networks: Many **Peer-to-Peer** networks are making it easy to download music or games. However, this is often **STEALING**. You can be prosecuted if the artists and creators did not give permission for their works to be on the peer-to-peer network. In addition, downloading from these networks can carry other risks or penalties: Viruses and malware (adware and spyware) that infect your computer.

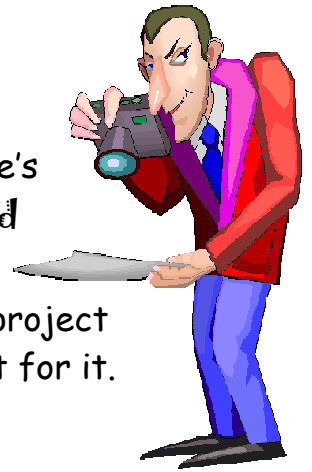
If you want to download music or other items, IT IS YOUR RESPONSIBILITY to use legitimate sites. Typically these sites charge monthly fees so they can pay the creator on your behalf - and you won't risk infection from malware or viruses.

Copyright and Plagiarism – Are we talking about the same thing?

NOT REALLY - **Plagiarism** occurs when you use someone else's work and pretend it is yours. That includes when you **Cut and Paste** stuff from the Internet. Not only is it cheating, it is stealing. Also, even when you can use a picture for a school project under Fair Use laws, that does not mean you can claim credit for it.

And there are possible Consequences:

1. Fail the class
2. Fail the assignment
3. Suspension or expulsion from school
4. Could affect college eligibility
5. Lose your job
6. Get sued in court



Be Responsible with Intellectual Property

Is it possible to use information from someone else's work and AVOID Plagiarism? YES!

You will avoid plagiarism if you do any of the following:

1. Appropriately identify your source (tell where you got the info)
2. "Quote" your source
3. Cite references (make a list of - author, title, page, website URL, etc.)
4. Use footnotes

What happens when you buy a copy of someone's Intellectual Property? Like a CD or a video game -



When you purchase music, movies, or software – you have purchased the right to use or listen to it - **NOT** to make copies for your friends. Remember, **copying and distributing** is a violation of **copyright laws**, not plagiarism. Don't copy illegally – it's stealing!

***Piracy:** This is the official term used when music, movies, and software is copied and burned illegally.

The Trial of Intellectual Property Theft

The purpose of this trial is to judge the actions of a student who routinely uses the Internet to “steal” others work. The student has borrowed pictures, downloaded music for CDs, and copied and pasted for reports. Is this acceptable under current law? Our task is to examine his actions and produce a verdict on the charge of "Intellectual property theft".

BACKGROUND:

The defendant is on trial for stealing from others. His list of stolen items includes music from popular bands, written word from well-known authors, and pictures from struggling artists. The defendant maintains he did not steal but merely took what was readily available on the Internet. The Plaintiffs, however, maintain their livelihood is at stake.

THE CAST OF CHARACTERS/STUDENTS:

Courtroom Personnel:

The Judge: Must maintain order in the court and ensure a fair trial.	
The Prosecution: This lawyer must prove that the defendant committed theft and deserves to be punished.	
The Lawyer(s) for the Defendant This lawyer must defend the actions of their client.	
The Court Clerk/Sheriff: Leads in defendant, must maintain order.	

Witnesses for the Prosecution:

<p>Jarold – a lead singer of a popular band His band has suffered a severe loss of profits due to the increasing number of people downloading music illegally.</p>	
<p>Jessica – a struggling photographer She is a new photographer who advertises her work on the web to get new clients. She suffers a loss when her work is used for free.</p>	
<p>Dr. Fitz – a well known writer He publishes his articles on the web so all can learn from him. However, he is arrogant and wants credit for his work when due.</p>	
<p>Mrs. Beal – the defendant’s LA teacher She assigned a report and received a well-written paper from the defendant. Trouble is she recognized Dr. Fitz’s most recent work in it.</p>	
<p>Natalie – the defendant’s sister Jessica is angry because the family computer has been down for a few days after the defendant accidentally downloaded a virus while downloading a game.</p>	
<p>Others (see your teacher):</p>	

Witnesses for the Defendant:

<p>The Defendant: Doesn’t see anything wrong with what he/she has done. The work is out there and easily obtained. Besides he only takes from people who have lots of money and stuff so its not like real stealing.</p>	
<p>John – the defendant’s best friend: Like the defendant, he sees nothing wrong with downloading music or copying and pasting papers.</p>	
<p>Others:</p>	

Jury:

12 jurists	

Preparation And Expectations for the Participants:

1) The chief responsibility of the judge and clerk/sheriff is to be familiar with courtroom procedures. They will be responsible for conducting the trial and making sure all participants are following proper legal procedure.

2) The lawyers must understand how each witness (their own or the hostile witnesses) will contribute to their legal strategy. Each legal team must complete an introductory speech which outlines: the witnesses they will call in their favor; the weaknesses of the opposing side's case; and the major arguments of their own case. They will also have a closing statement which: summarizes the arguments in favor of their case; explains the weaknesses of the other side's arguments and witnesses; and makes a recommendation on sentencing. Lawyers must also be prepared to question the witnesses in an attempt to prove their viewpoint.

3) Each witness must understand his or her character. Witnesses are expected to act within reasonable limits and ensure nothing inaccurate or untrue is said.

Suggested Order For The Trial

A) Opening the Trial:

1. The entry of the Judge.
2. The opening statement by the Clerk/Sheriff.
3. The entry of the accused.

B) Taking Pleas:

1. The introduction of the lawyers.
2. The reading of the charge against the accused.
3. The plea of the accused.

C) The Case for the Prosecution:

1. The opening statement of the prosecution lawyer(s).
2. The examination of the prosecution witnesses, with cross-examination and rebuttal.

D) The Case for the Defense:

1. The opening statement of the defense lawyer(s).
2. The examination of the defense witnesses, with cross examination and rebuttal.

E) Summations by Counsel:

1. Defense Lawyers.
2. Prosecution Lawyers.

F) The Verdict:

1. The decision of the jury regarding guilt and sentencing.

G) Closing the Trial:

1. The exit of the Defendant and the Judge.

NOTES TO THE TEACHER:

1. Like any mock trial, many things will have to be improvised. Each witness, for example, may have to create many elements of his or her character. However, make sure witnesses maintain their stance and general outlook. As a teacher, you will have to decide for yourself about selecting roles.

2. It is recommended that a very responsible and out-going student is selected as the judge or that the teacher plays this role. Strong students should also act as lawyers. They will have to be resourceful, thorough, and be able to interact with others (especially when creating questions). Finally, if you choose not to have a separate jury you can let the whole class decide!

Sample Scripted Trial: please note – this is a sample. I-Safe encourages teachers to allow students to develop their own questions and answers. However, teachers may use the entire script if necessary, or use it as a reference.

The court clerk/sheriff: All rise, the honorable _____ presiding.
Please be seated. Court 432 is now in session.

Judge: Case # 2009 the County of _____ vs.
_____ is now in trial. Prosecution, please present your opening arguments.

Prosecution: The defendant you see before you has willfully stolen from numerous sources, and deprived several of their livelihoods. The evidence will show that he has no regard for the law or for the consequences of his actions.

Judge: Defense, please present your opening arguments.

Defense: The defendant was using his rights to access material found on the Internet. He was unaware of his criminal actions and feels he did not act maliciously.

Judge: Prosecution, please call your first witness.

Prosecution: I call Jarold Farmer to the stand

Court clerk/Sheriff: Do you swear to tell the whole truth and nothing but the truth?

Jarold: I do

Prosecution: Jarold, will you please tell the court your occupation?

Jarold: I'm the lead singer of a popular band.

Prosecution: How do you earn a living?

Jarold: By selling our CDs and distributing our music.

Prosecution: Are you making as much this year?

Jarold: No, our sales have been cut in half.

Prosecution: But don't you have twice as many hits this year?

Jarold: Yes, but with so many people illegally downloading our music there are fewer people purchasing it legally.

Prosecution: Thank you.

Judge: Defense – your witness.

Defense: Jarold, how did you first distribute your music?

Jarold: We posted our music for free on various websites.

Defense: Then what has changed?

Jarold: Now that we are more popular, we want to make money.

Defense: Exactly how much money did you make this year?

Jarold: \$760,000. But you have to realize, we have expenses and people to pay.

Defense: No more questions thank you.

Judge: You may step down. Prosecution, call your next witness.

Prosecution: I call Jessica to the stand.

Clerk/Sheriff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Jessica: I do.

Prosecution: Jessica, what do you do for a living?

Jessica: I'm a photographer.

Prosecution: How long have you been doing this?

Jessica: Just started recently. I'm having some trouble getting started.

Prosecution: Do you display photos on the web?

Jessica: Yes. I figured that would be a great way to get people to notice my work. It is a kind of an advertisement for my services.

Prosecution: May people copy these works on the website?

Jessica: No, I even have a warning that the photos are copyrighted on the website. If people just take them for free, why would they ever bother paying me? And I have to eat somehow.

Prosecution: Thank you, no more questions.

Judge: Defense – your witness.

Defense: Do you have any way of knowing when someone does copy your pictures?

Jessica: No, but I would hope people would be honest. Also, since they are copyrighted it is against the law.

Defense: Have you ever caught anyone taking the pictures?

Jessica: No.

Defense: Thank you, no more questions.

Judge: You may step down. Prosecution, please call your next witness.

Prosecution: I call Dr. Fitz to the stand.

Clerk/Sheriff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Dr. Fitz: I do

Prosecution: What is your occupation, sir?

Dr. Fitz: I am a highly respected writer.

Prosecution: Do you publish some of your work on the Internet?

Dr. Fitz: Of course, I want everyone to be able to read it and learn from it.

Prosecution: Do you mind if others borrow your work?

Dr. Fitz: How could they not borrow it? It is wonderful work. I'm in awe of myself. However, it's these hoodlums who don't give me credit I don't like. I spend all that time and share my knowledge with others and they don't even have the courtesy to thank me for it in their work by acknowledging me. People these days just don't have any respect.

Prosecution: Thank you, no more questions.

Judge: Defense – you may cross-examine.

Defense: Dr. Fitz, is your work often used in others?

Dr. Fitz: Of course. I am THE expert in the field.

Defense: No more questions your honor.

Judge: You may step down. Prosecution, next witness.

Prosecution: I call Mrs. Beal to the stand.

Clerk/Sheriff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mrs. Beal: I do

Prosecution: Mrs. Beal, what is your relationship with the defendant?

Mrs. Beal: I am his/her Language Arts teacher.

Prosecution: What was the last assignment for your class?

Mrs. Beal: My students were to write a research paper on a topic of their choice.

Prosecution: What topic did the defendant choose?

Mrs. Beal: Biology

Prosecution: Was the paper well written?

Mrs. Beal: It was excellent. The problem is – the defendant didn't write it. I recognized Dr. Fitz's words right away. I'm a big fan. I had to fail the student. It is completely unacceptable to copy other work. It is normally school policy to suspend the student, but because he/she is normally a good student, I cut him/her a break.

Prosecution: Thank you, no more questions.

Judge: Defense – your witness.

Defense: Were any other students caught cheating on this paper?

Mrs. Beal: No

Defense: What would you say if I told you three other students had also plagiarized?

Mrs. Beal: That is totally unacceptable and they should also receive F's.

Defense: Perhaps it wasn't made clear that copying wasn't acceptable.

Mrs. Beal: Copying is always cheating in my class.

Defense: No more questions.

Judge: You may step down Mrs. Beal. Prosecution, call your next witness.

Prosecution: I call Natalie to the stand.

Clerk/Sheriff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Natalie: I do.

Prosecution: What is your relationship to the defendant?

Natalie: I'm his sister.

Prosecution: Do you have a computer at your house?

Natalie: Yes.

Prosecution: Does the defendant use that computer?

Natalie: All the time. He's constantly downloading music, movies, and games. I hardly ever get to use it.

Prosecution: So the defendant frequently downloads items?

Natalie: Yes, constantly. Just last Tuesday he downloaded the game Highway Robbery. Problem is when he downloaded it, we got a virus. Our computer is busted thanks to him. Now I have to rebuild the hard drive.

Prosecution: He downloaded Highway Robbery? Doesn't that game cost \$80 at the store?

Natalie: Yep, that's the one. He never buys his games at the store. He says they charge too much.

Prosecution: Thank you, no more questions.

Judge: Defense – your witness.

Defense: Natalie, did you play Highway Robbery after he downloaded it?

Natalie: No how could I the computer crashed cause of the virus.

Defense: Do you ever play any of the games he downloads?

Natalie: Well sometimes.

Defense: Are you angry with your brother?

Natalie: Who wouldn't be?

Defense: No more questions your honor.

Judge: You may step down. Prosecution call your next witness.

Prosecution: The Prosecution rests, your honor.

Judge: Defense call your first witness.

Defense: The defense calls John to the stand.

Clerk/Sheriff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

John: I do.

Defense: John, How do you know the defendant?

John: He's my best friend.

Defense: Do the two of you play around on the computer a lot?

John: All the time.

Defense: Did you show him how to download Highway Robbery?

John: Yep, that was me. I get all my games on the Internet.

Defense: Do you consider this illegal?

John: If it was illegal, then why are they there? I mean anyone can get them. If they don't want us doing it then they shouldn't be where we can get them.

Defense: Thank you no more questions.

Judge: Prosecution you may proceed.

Prosecution: John, do you go the store often?

John: Of course.

Prosecution: Are there things sitting on the shelf?

John: Yeah.

Prosecution: Could you easily pick something up and walk away with it.

John: I suppose.

Prosecution: Well then why don't you.

John: That would be stealing.

Prosecution: No more questions.

Judge: You may step down. Next witness.

Defense: I would like to call the defendant to the stand.

Clerk/Sheriff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Defendant: I do.

Defense: Do you own a computer?

Defendant: Yes.

Defense: Do you use this computer to access the Internet?

Defendant: All the time.

Defense: While on the Internet, what do you typically do?

Defendant: I like finding new things. I'll explore all over. There is a lot of stuff out there.

Defense: Do you believe you have ever stolen anything?

Defendant: No. I'm really a good kid. I figure the stuff is out there for a reason.

Defense: No more questions your honor.

Judge: Prosecution, you may cross-examine.

Prosecution: Do you go the store often?

Defendant: Yes

Prosecution: Are there things sitting on the shelf?

Defendant: Yes

Prosecution: Could you easily pick something up and walk away with it.

Defendant: Well, I suppose you could, but you might get caught.

Prosecution: Well then why don't you.

Defendant: Because it is wrong.

Prosecution: What is the difference between that and taking things on the Internet?

Defendant: I guess I didn't realize that just because it is there doesn't mean it should be or is free for the taking.

Prosecution: Are you telling me you downloaded music and didn't realize you should have bought the CD instead?

Defendant: Well sure, but they make so much money I figure it wouldn't hurt.

Prosecution: If you worked at a job and only got paid half of what you expected to because people were paying with bad checks or phony money, would you be upset?

Defendant: Of course.

Prosecution: Would you eventually quit?

Defendant: Yes.

Prosecution: Then why should the music and video companies not be upset at you for stealing their work without paying?

Defendant: I just didn't know.

Prosecution: No more questions your honor.

Judge: You may step down. Defense, next witness?

Defense: The defense rests your honor.

Judge: Prosecution, you may present your closing remarks.

Prosecution: By the defendant's own words – he did not care that he was taking music and videos without paying. In fact he thought it was ok, because the companies make too much money. We cannot allow this type of theft to occur. We need to make a statement that you can not get away with this type of behavior just because it is an internet based theft. Intellectual property is still property and as such, its theft should be punishable, as would any other criminal action. The evidence is clear; the defendant is guilty.

Judge: Defense, you may present your closing remarks.

Defense: Yes there are laws concerning theft. However, was this really theft? And moreover, how does one prosecute such a widespread action? Perhaps instead of punishment, the system should be reformed so kids don't unknowingly break the law. The defendant was only guilty of using what was available to him.

Judge: I will now address the jury. You have heard the evidence presented today. You must now weigh only what you have heard and make the determination of whether the defendant is guilty of theft. You must use the legal definition of theft and not base your decision on sympathy or opinion. You are charged with the sacred obligation of upholding the judicial process. You must realize that the law on Internet crimes is still being written. However, laws about stealing are very clear, and will certainly always apply to theft on the Internet. A possible consequence of increased intellectual property theft on the Internet may be a loss of some of the freedoms we now enjoy in using the Internet for entertainment. Respecting people's right to ownership, by avoiding illegal downloading, will send the message that we want to protect our freedoms of Internet use. You may now deliberate.

Jury: deliberation

Judge: Have you reached a verdict?

Head Jurist: We have, your honor.

Judge: What say you?

Head Jurist: In the case _____ vs. _____ we
hereby find the defendant _____.

Judge: Response to a Guilty verdict: The jury has passed judgment according to the current laws. Sentencing will be at a later date.

Judge: Response to a Not Guilty verdict: The defendant has been found not guilty and is free to go.