

# Who Owns the Data?

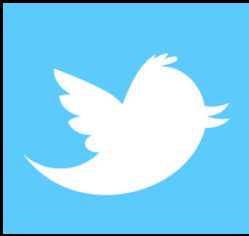
@gregkidd or message.me/greg



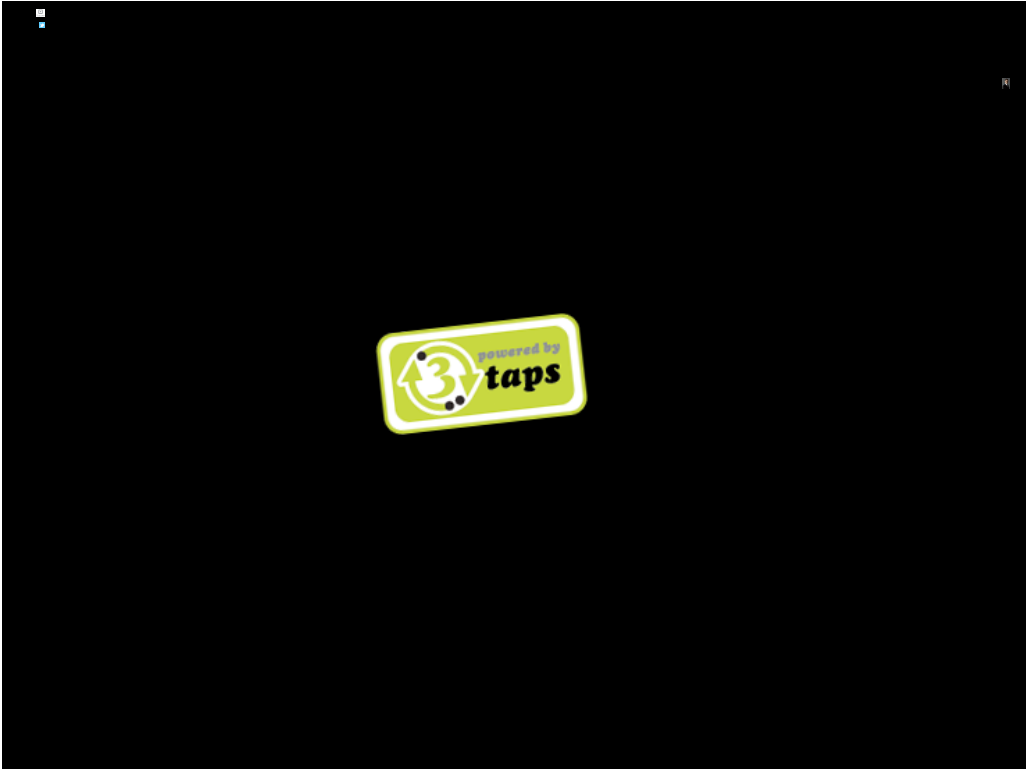












An open exchange between ALL  
seekers and all providers



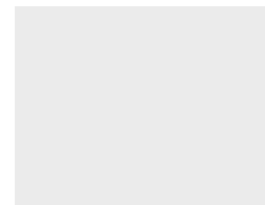
An open exchange between ALL  
seekers and all providers

via a

data commons

# Craigslist's fight to keep control of its data

By Jeff Blagdon on September 25, 2012 03:33 am Email @jeffblagdon



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# The New York Times

JULY 29, 2012, 11:00 AM | 84 Comments

## Disruptions: Innovations Snuffed Out by Craigslist

By NICK BILTON



Craig Newmark, founder and chairman of Craigslist, shown in 2004 at his company's office in San Francisco. Photo by Scott S. Smith for The New York Times

[FACEBOOK](#)

In 1995, a good-hearted programmer named Craig Newmark thought of a way to make newspaper classified ad listings simple, and in turn, people's

What are classified ads

# What are classified ads

- Creative expression protected by copyright?

# What are classified ads

- Creative expression protected by copyright?
- Commercial facts in the public domain?

Purpose of copyright:

## Purpose of copyright:

- wikipedia: promote the creation of new works by giving authors control of and profit from them



## Purpose of copyright:

- U.S. Constitution: To **promote** the **Progress of Science and useful Arts**, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

Good copyright: intellectual property  
rights for original expression....

# Bad copyright: misrepresentation of descriptive facts as original works


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**Large "Cooks" Toaster Oven - \$30 (watsonville)**

Date: 2012-09-01, 8:52AM PDT  
Reply to this post:

Too big for my kitchen, very good like new condition  
\$30 takes it. It's working and very clean. Comes with tray things  
Located in Watsonville, thanks



• In 2012 we no longer list posts with services or other commercial interests  
PostingID: 122282987

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# Bad copyright: misrepresentation of descriptive facts as original works

Large


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## Large “Cooks”



# Bad copyright: misrepresentation of descriptive facts as original works

## Large “Cooks” Toaster Oven


Don't miss these computers > [apple.com](#) > [for sale / selling](#) > [apple.com - for sale](#) [print this posting to a friend](#)

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• It's NOT to be used for power with services or other commercial interests  
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# Bad copyright: misrepresentation of descriptive facts as original works

Small text at the top of the page, likely a navigation bar or header, containing links and a warning about using the site for illegal purposes.

**Large "Cooks" Toaster Oven - \$30 (watsonville)**

Date: 2012-09-01, 8:52AM PDT  
Ready to ship now!

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Located in Watsonville, thanks



• It's NOT to be used for power with various or other commercial interests  
PostingID: 122292987

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Large "Cooks" Toaster Oven  
- \$30


# Bad copyright: misrepresentation of descriptive facts as original works

Get more ideas & inspiration > [Search](#) > [For Sale / Leasing](#) > [Appliances - To Go](#) [Send this listing to a friend](#)

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Don't miss these computers > search results > for sale / wanted > appliances - by owner [print this posting to a friend](#)

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• Do NOT do so unless the poster with services or other commercial interests  
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Date: 2012.09.01 8.52 PDT

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**takes it.**


# Bad copyright: misrepresentation of descriptive facts as original works

Small text at the top of the page, likely a disclaimer or terms of service, mentioning "avoid this posting in a forum" and "avoid using and based on the following..."

**Large "Cooks" Toaster Oven - \$30 (watsonville)**

Date: 2012-09-01 8:52AM PDT  
Ready to use now!

Too big for my kitchen, very good like new condition  
\$30 takes it. It's working and very clean. Comes with tray things  
Located in Watsonville, thanks



• It's 2012 so to avoid this post with various or other commercial interests  
PostingID: 122282987

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Date: 2012-09-01 8:52AM PDT  
Ready to view post?

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Date: 2012.09.01 8.52 PDT

Too big for my kitchen. very good like new condition. \$30 takes it. It's working and very clean. Comes with tray things

Who owns classified ads

# Who owns classified ads

- The person who authored the ad?



# Who owns classified ads

- The person who authored the ad?
- The publisher who displayed the ad?

# Who owns classified ads

- The person who authored the ad?
- The publisher who displayed the ad?
- The viewer who read the ad

# Who owns classified ads

- The person who authored the ad?
- The publisher who displayed the ad?
- The viewer who read the ad and made a decision to act on the offer?

# Who owns classified ads

- The person who authored the ad?
- The publisher who displayed the ad?
- The viewer who read the ad and made a decision to act on the offer?
- The public

# Who owns classified ads

- The person who authored the ad?
- The publisher who displayed the ad?
- The viewer who read the ad and made a decision to act on the offer?
- The public -- including 3rd parties who want to index, reuse, or further syndicate the ad?

Can contracts (TOU) change the  
answer?

## Can contracts (TOU) change the answer?

- Clicking “continue” confirms that ----- is the **exclusive licensee** of this content,

## Can contracts (TOU) change the answer?

- Clicking “continue” confirms that ----- is the exclusive licensee of this content, with exclusive right to enforce copyrights against anyone



## Can contracts (TOU) change the answer?

- Clicking “continue” confirms that ----- is the exclusive licensee of this content, with exclusive right to enforce copyrights against anyone copying, republishing, distributing or preparing derivative works

## Can contracts (TOU) change the answer?

- Clicking “continue” confirms that ----- is the exclusive licensee of this content, with exclusive right to enforce copyrights against anyone copying, republishing, distributing or preparing derivative works without its consent

# And make this forbidden?

The screenshot shows the PadMapper website interface. At the top, there are navigation links: "My Profile", "My Places", and a status message "Not all listings are being shown. Zoom in for more." The main map displays San Francisco with a high density of red pins representing apartment listings, particularly in the central and northern parts of the city. On the left side, there is a search and filter panel. It includes a "Where To?" field with "san francisco california" entered. Below this are sliders for "Rent Range" (set to \$0 - 6000+), "Bedrooms" (set to 0 - 10+), and "Bathrooms" (set to 1+). There are checkboxes for "Types" including "Full Leases", "Sublets", and "Rooms/Shares". A "Get Email Alerts for this Search" button is present. Further down, there are more filters for "Price Per Bedroom", "Max Age of Listing", "Keywords", and "Require" (Pics, Phone, Address, Cats, Dogs, No-Fee). At the bottom of the filter panel, "Sources" are listed: "Craigslist", "Apartments.com", "Rent.com", and "Others". A "Show Super-Secret Advanced Features" button is at the very bottom of the filter panel. The map on the right shows various San Francisco neighborhoods like Sausalito, Berkeley, Oakland, and Alameda, with many red pins indicating apartment locations.

# And make this forbidden?



Sources: ☒ Craigslist ☒ Apartments.com ☒ Rent.com ☒ Others

# And make this forbidden?

The screenshot shows a map interface with a list of apartment listings. A popup window is open for a specific listing, displaying the following information:

**Details** | **My Places** | **Street View** | **Walk Score**

**\$5,000 - 2BR/2BA Apartment**

2 Bed, 2 Bath  
Full Term Lease  
11% more than median of nearby 2 BR leases (\$5,000 vs. \$4,500)  
1245 Washington St San Francisco Ca Us  
Has pics, but not shown here for now

Source: Craigslist, Added today (< 24 hours)  
**Your Notes:**  
[Sign in to take notes](#)

[Save as Favorite](#) [Hide from Map](#)

Other Tools: [Link To](#) · [Directions To](#) · [Flag as Bad/Deleted](#)

The map in the background shows a large number of red location pins across the San Francisco Bay Area, indicating a high density of listings. The popup window is centered over a cluster of pins in the San Francisco area.

# And make this forbidden?

PadMapper Bar

← To Map

Original →

\$5,000

Price

2

Bed

2

Bath

11% more than nearby 2 BR

No Phone # Found

No Email Found

Save as Favorite

Hide from Map

Flag as Bad / Deleted

Your Notes:

Your Places:  
[Add a Place](#)

SF bay area craigslist > [san francisco](#) > [housing](#) > [apts/housing for rent](#)[email this posting to a friend](#)

[Stating a discriminatory preference in a housing post is illegal - please flag discriminatory posts as prohibited](#)

**Avoid scams and fraud by dealing locally!** Beware any arrangement involving Western Union, Moneygram, wire transfer, or a landlord/owner who is out of the country or cannot meet you in person. [More info](#)

**\$5000 / 2br - Large 2 bed, 2 bath luxury apartment atop Nob Hill (nob hill)**

Date: 2012-11-06, 2:25PM PST  
[Reply to this post](#) | [k8nct-3391508239@housing.craigslist.org](mailto:k8nct-3391508239@housing.craigslist.org) [\(link when replying to ads\)](#)

FOR RENT \$5000 per month - 2 Bed / 2 Bath

1245 Washington St #1, San Francisco, CA, 94108

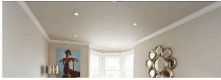
Contact: **Renee Engelen**  
(415) 827-2444

**Large 2 bed, 2 bath luxury apartment atop Nob Hill**

-Elegant apartment with open floor plan, located at the top of Nob Hill along the famous cable car route, a short walk to the Financial District, Union Square, North Beach, fine dining and shopping.

Features:

- Open Floor plan, perfect for entertaining
- Enormous Gourmet kitchen appointed with Classic white cabinetry,
- additional bar seating



(See below for additional photos)

## Can contracts (TOU) change the answer?

- Clicking “continue” confirms that ----- is the exclusive licensee of this content, with exclusive right to enforce copyrights against anyone copying, republishing, distributing or preparing derivative works without its consent **EFF: “Terrible Precedent”**

# The Open Web



The Open Web

versus

“Its OUR data”

“Its OUR data” translates to:

# “Its OUR data” translates to:

- the data is our property

# “Its OUR data” translates to:

- the data is our property (no matter how you got it)

# “Its OUR data” translates to:

- the data is our property (no matter how you got it)
- you trespassed on our web site

# “Its OUR data” translates to:

- the data is our property (no matter how you got it)
- you trespassed on our web site (even if what you took is in the public domain)

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- “public” means the general pubic

# “Its OUR data” translates to:

the data is our property (no matter how you got it)

you trespassed on our web site (even if what you took is in the public domain)

- “public” means the general public (and not the hands of our competitor)



More bluntly, we don't like

More bluntly, we don't like

- what you took!

# More bluntly, we don't like

- what you took!
- how you took it!

# More bluntly, we don't like

- what you took!
- how you took it!
- who you are!

So we will

So we will

- Ban/limit you contractually

## So we will

- Ban/limit you contractually
- Block you technically

## So we will

- Ban/limit you contractually
- Block you technically
- Sue you



## So we will

- Ban/limit you contractually
- Block you technically
- Sue you
- Copy your innovations

## So we will

- Ban/limit you contractually
- Block you technically
- Sue you
- Copy your innovations
- Portray you as pirates

Will this work?

each day...

each day...  
I hope and pray...

each day...  
I hope and pray...  
that tomorrow...

each day...  
I hope and pray...  
that tomorrow...  
will be the same...

each day...  
I hope and pray...  
that tomorrow...  
will be the same...  
as today



# The real question

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- Can publishers that dominate ON-BOARDING of classifieds....

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- Can publishers that dominate ON-BOARDING of classifieds....
- Thwart new entrants that specialize in **search ACROSS publishers** rather than on-boarding itself

# The real question

- Can publishers that dominate ON-BOARDING of classifieds....
- Thwart new entrants that specialize in search ACROSS publishers rather than on-boarding itself
- Thwart new entrants that offer cross publisher features such as unified messaging, payments, reviews, calendaring, etc...

Can you thwart

# Can you thwart

- carve outs by vertical specialists: AirBNB for rentals

# Can you thwart

- carve outs by vertical specialists: AirBNB for rentals
- aggregation/syndication of data: ITA for travel data

# Can you thwart

- carve outs by vertical specialists: AirBNB for rentals
- aggregation/syndication of data: ITA for travel data
- real time direct messaging: WhatsApp for texting



# Can you thwart

- carve outs by vertical specialists: AirBNB for rentals
- aggregation/syndication of data: ITA for travel data
- real time direct messaging: WhatsApp for texting
- new payments providers: Square for sellers

And do you want to?

# And do you want to?

- Pro-publisher versus Pro-consumer

# And do you want to?

- Pro-publisher versus Pro-consumer
- Pro-publisher versus Pro-innovation

# And do you want to?

- Pro-publisher versus Pro-consumer
- Pro-publisher versus Pro-innovation
- Pro-publisher versus Pro-competition

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CV 12 3816**  
Case No.

**COMPLAINT FOR:** **LB**

(1) Copyright Infringement  
(2) Contributory Copyright Infringement  
(3) Breach of Contract  
(4) Federal Trademark Infringement

minion  
for me

**Remember what you see**  
 Save a copy of any of your pages for quick access, even when you're offline.

**Secure the present for the future**  
 Check Microsoft's security alerts regularly to stay on top of the latest threats.

**Share the memory**  
 Share photos and content with friends or family, even when you're offline.

**Public Timeline**  
 View Timeline ☒ Public

The American Revolution  
 The Great Depression  
 The Cold War  
 The Vietnam War  
 The Space Race  
 The Civil Rights Movement  
 The Vietnam War  
 The Space Race  
 The Civil Rights Movement



Save and share any URL as it exists at a point of time on the web

[Click here to install the extension in CHROME](#)

### Remember what you see

Save a copy of any visible page on the web exactly as it exists at a point in time

### Secure the present for the future

Ensure links or referrals to content won't disappear or be altered after the fact

### Share the memory

Share links to your content with others so that they see what you saw for all time

## Public Timeline

Image Thumbnail

Page Info



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[Tweet](#) 0

[Like](#) 0

Views: 1

Title: 2012 NCAA College Football Polls and Rankings for Week 11 - ESPN

Comment: Ducks ranked #3

URL: <http://espn.go.com/college-football/rankings>

Date: 2012/11/06 00:00:36

Link: [http://minionfor.me/978094bd-3cab-4247-9882-07b0c2b6eea8\\_20121106000036\\_](http://minionfor.me/978094bd-3cab-4247-9882-07b0c2b6eea8_20121106000036_)<http://espn.go.com/college-football/rankings>

[Flag as inappropriate](#)

**Is there an alternative?**



Is there an alternative? **YES!**

# Is there an alternative? YES!

- Embrace rather than fear the Open Web

# Is there an alternative? YES!

- Embrace rather than fear the Open Web
- Become a platform through APIs

# Is there an alternative? YES!

- Embrace rather than fear the Open Web
- Become a platform through APIs -- even if your ads will be discovered outside your site

# Is there an alternative? YES!

- Embrace rather than fear the Open Web
- Become a platform through APIs -- even if your ads will be discovered outside your site
- Continue to dominate onboarding

# Is there an alternative? YES!

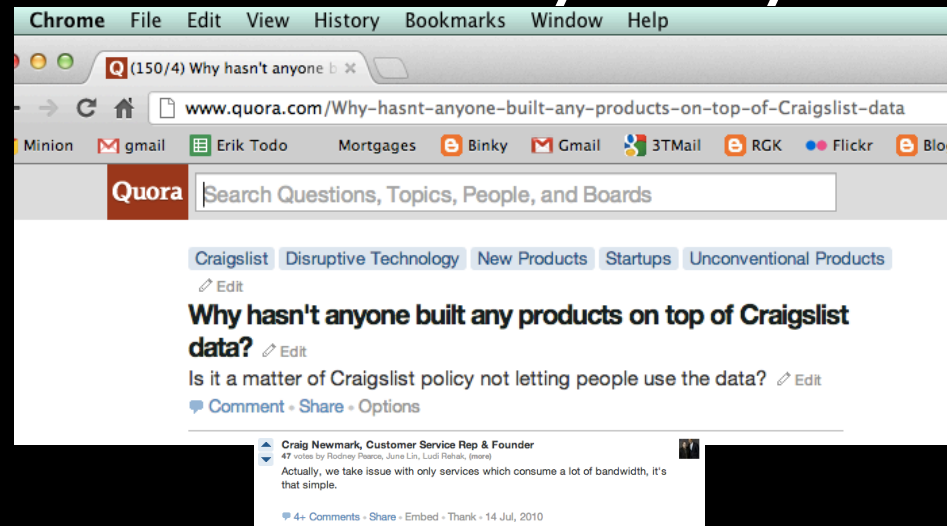
- Embrace rather than fear the Open Web
- Become a platform through APIs -- even if your ads will be discovered outside your site
- Continue to dominate onboarding **by establishing leadership in the curation of quality data and quality users who post**

**Don't be a troll!**

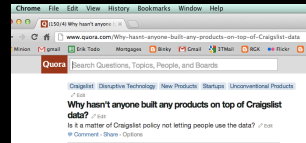




# Say what you mean mean what you say



# Say what you mean mean what you say



▲ **Craig Newmark, Customer Service Rep & Founder**  
▼ 47 votes by Rodney Pearce, June Lin, Ludi Rehak, (more)

Actually, we take issue with only services which consume a lot of bandwidth, it's that simple.

💬 4+ Comments • Share • Embed • Thank • 14 Jul, 2010

and remember:

and remember:

public facts

and remember:

public facts  
are  
public property

