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Protecting IP in the Digital Age

Dr. Chitra BT[1], John Jacob Tharakan[2], Aniket Singh[3], Tulsiram K Naik[4], Zuhaib Ahmed[5], Karan Oberai[6]
[1]Assistant Professor, Dept. of IEM, R.V. College of Engineering, Bengaluru, Karnataka, India
[2,3,4,5,6]UG Scholar, Dept. of IEM, R.V. College of Engineering, Bengaluru, Karnataka, India
Email ID: *chitrabt@rvce.edu.in[1], johnjacobt.im21@rvce.edu.in[2], aniketsingh.im21@rvce.edu.in[3], tulsiramkn.im21@rvce.edu.in[4], zuhaibahmed.im21@rvce.edu.in[5], karanoberai.im21@rvce.edu.in[6]*

Abstract
The fast growth of technology and the ubiquitous availability of digital content in the digital age have made intellectual property (IP) protection more complex and important. This review paper explores the evolving challenges, the importance of digital and IP rights, and strategies in safeguarding IP rights in the digital era. It examines the impact of digital transformation on traditional IP frameworks, highlighting issues such as copyright infringement, patent disputes, and trademark violations. The paper also discusses emerging technologies like blockchain, artificial intelligence, and digital watermarking as innovative solutions for IP protection. Additionally, it addresses the role of international treaties and legal reforms in harmonizing IP laws across borders to combat digital piracy and unauthorized distribution. Through a comprehensive analysis of current trends, challenges, and future directions, this paper aims to provide a holistic understanding of how IP can be effectively protected in the ever-changing digital landscape.

Keywords: *IP Protection, Copyright Infringement, Cybersquatting, Digital Watermarking, Secure Communication Protocols.*

1. Introduction
In this era of unprecedented digital transformation, the creation, dissemination, and protection of intellectual property (IP) has undergone seismic changes. Digital platforms have emerged as the primary medium for innovation and content distribution, removing geographical barriers and democratizing access to knowledge and creativity. However, this digital ubiquity creates vulnerabilities, with issues like piracy, counterfeiting, and unauthorized content sharing becoming more common. The dynamic nature of the digital ecosystem has revealed the limitations of traditional intellectual property frameworks in addressing issues unique to this environment. The internet, combined with advances in artificial intelligence, blockchain, and digital rights management technologies, presents both new threats and novel solutions to IP protection. Social media, e-commerce, and cloud computing have exacerbated enforcement challenges, necessitating a rethinking of how intellectual property is protected across borders and jurisdictions. This paper investigates the intersection of intellectual property and the digital age, focusing on the evolution of threats and the innovative solutions being developed to address them. This study aims to provide a roadmap for effectively managing intellectual property in the fast-paced, interconnected world of digital innovation by examining the limitations of existing IP laws and frameworks and investigating emerging solutions [1-3].

2. Risk from IP In the Present Era
The digital age has introduced a complex array of threats to intellectual property (IP), which challenge the effectiveness of traditional legal frameworks and enforcement mechanisms. Intellectual property rights (IPR) need creative tactics to be protected since as technology advances, so do the techniques used to violate intellectual property rights. This section explores the key IP threats in the digital era, including piracy, trademark counterfeiting, cybersquatting, patent infringement, trade secret theft, and the role of digital rights management (DRM) and technical

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protection measures (TPMs).

2.1. Piracy and Copyright Infringement

Unauthorized dissemination of content that is protected by copyright and widespread piracy are two of the biggest problems facing the digital age. The problem of copyright infringement has been made worse by the ease with which digital content may be distributed and reproduced. As highlighted by Singh (2023), technological advancements have made it easier for individuals to replicate and disseminate copyrighted works without authorization, posing a significant threat to the rights of creators and innovators. Digital piracy undermines the value of intellectual property by allowing unauthorized users to access content freely, often leading to substantial financial losses for content creators and rights holders. The study by Chattopadhyay (2023) emphasizes the need for a reconsideration of traditional copyright models in light of these challenges. Historically, copyright law was designed to protect physical forms of intellectual products, such as books. However, in the digital environment, where content replication is nearly instantaneous and cost-effective, there is a pressing need to adapt copyright laws to effectively address the nuances of digital piracy [4-7].

2.2. Trademark Counterfeiting and Cybersquatting

Cybersquatting and trademark counterfeiting are two more serious risks in the digital sphere. The prevalence of unapproved trademarks on counterfeit goods has increased due to the simplicity of setting up websites and the growth of online marketplaces. Another major problem for brand owners is cybersquatting, which is the practice of registering domain names that are confusingly similar to or identical to well-known trademarks with the intention of selling them for a profit. According to Chauhan and Singh (2023), the rise of digital platforms has increased the exposure of trademarks to misuse. These platforms can serve as conduits for counterfeit goods, making it difficult for brand owners to enforce their rights. The authors argue for more robust legal frameworks and cooperation among stakeholders, including technology providers and legal experts, to combat these practices effectively.

2.3. Patent Infringement and Trade Secret Theft

The digital age has also heightened the risks associated with patent infringement and trade secret theft. The interconnectedness of digital technologies and the global nature of business operations have made it easier for infringers to access and misuse patented technologies and confidential business information. Emerging technologies such as 3D printing, as discussed by Kumar and Kumar (2023), introduce new vulnerabilities by enabling the unauthorized production of patented products, further complicating enforcement efforts. Trade secret theft has become increasingly sophisticated, with cybercriminals using advanced hacking techniques to steal valuable proprietary information. This not only jeopardizes the competitive advantage of businesses but also raises significant legal and economic concerns. Kumar and Kumar (2023) emphasize the need for dynamic and adaptive regulatory approaches that can keep pace with these technological advancements while ensuring the protection of patents and trade secrets [8-12].

2.4. Digital Rights Management (DRM) and Technical Protection Measures (TPMs)

TPMs and Digital Rights Management DRM are two important technologies for securing digital content against the increasing risks to intellectual property in the digital era. DRM refers to the technologies that limit access to content that is protected by copyright, making sure that only individuals with permission can see or utilize the material. Technical tools known as TPMs are designed to stop illegal usage, distribution, and copying of digital content. Singh (2023) explores how these technologies are crucial in enforcing copyright in the digital realm. However, while DRM and TPMs offer effective solutions for protecting digital rights, they also face challenges, such as being bypassed by hackers and creating barriers for legitimate users. The paper by Chattopadhyay (2023) further highlights the need for a balanced approach in the implementation of DRM and TPMs, ensuring that they protect IP rights without overly restricting user access to digital content [13].

3. IP Protection Strategies

The digital transformation of industries has

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necessitated the development of robust IP protection strategies to safeguard intellectual property from infringement and unauthorized use. These strategies encompass legal frameworks, technological measures, and risk management practices that work in tandem to provide comprehensive protection.

3.1. Legal Frameworks and International Agreements

The foundation of intellectual property protection is provided by legal frameworks, which define the obligations and rights of both authors and users. Important laws that make it illegal to reproduce and distribute copyrighted materials without permission, like the Digital Millennium Copyright Act (DMCA) in the US, are essential to the protection of digital content. In order to protect their rights in the digital sphere, intellectual property owners can also use the DMCA to ask that content that violates their rights be taken down from websites. International agreements that set strict data security and privacy standards, such as the General Data Protection Regulation (GDPR) in the European Union, help to protect intellectual property beyond state legislation. Despite the GDPR's primary focus on personal data, its rules also serve to strengthen intellectual property protection by guaranteeing the secure handling of personal data related to IP and lowering the possibility of data breaches that could jeopardize it. The legal landscape for IP protection is further strengthened by multilateral treaties such as the Berne Convention and the TRIPS Agreement, which harmonize IP laws across countries and provide a framework for international cooperation in IP enforcement. These agreements facilitate cross-border protection of IP, ensuring that creators can assert their rights globally.

3.2. Digital Watermarking and Fingerprinting

Technological innovations like digital watermarking and fingerprinting have emerged as effective tools for protecting digital content. Digital watermarking involves embedding a unique identifier within a digital file, which remains detectable even after the file has been copied or distributed. This technology allows IP holders to track the use of their content and identify unauthorized copies, serving as both a deterrent to infringement and a tool for enforcing IP rights. Fingerprinting, on the other hand, generates a unique digital signature for each file based on its content. Unlike watermarking, which alters the file to include the identifier, fingerprinting relies on the inherent characteristics of the file itself. This method is particularly useful for monitoring the distribution of digital media across platforms, enabling rights holders to identify unauthorized distributions without modifying the original content. Both watermarking and fingerprinting are crucial in the fight against digital piracy, providing a means for content creators to maintain control over their intellectual property in an environment where copying and distribution are increasingly difficult to monitor.

3.3. Encryption and Secure Communication Protocols

A key tool for safeguarding intellectual property in the digital sphere, particularly when transferring data across networks, is encryption. Encryption protects sensitive intellectual property against unwanted access by transforming data into a coded format that can only be decoded by authorized parties. This is especially crucial for sectors of the economy that deal with trade secrets, proprietary software, and private research, as its disclosure could result in large financial losses and a competitive disadvantage. In addition to encryption, secure communication protocols like Transport Layer Security (TLS) and Secure Sockets Layer (SSL) offer secured routes for data transmission over the internet. These methods further protect intellectual property (IP) during online conversations by preventing illegal interception and alteration with data in transit. Secure communication protocols and encryption work together to provide a strong barrier against the increasing risks of IP theft and cyberattacks.

3.4. IP Insurance and Risk Management

As the value of IP continues to rise, so too does the need for risk management strategies that can mitigate potential losses associated with IP infringement. IP insurance has emerged as a valuable tool in this regard, providing financial protection for IP holders in the event of legal disputes or loss of revenue due to IP infringement. This type of insurance can cover the costs of litigation, as well as the potential damages awarded in infringement cases, offering a

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safety net for companies heavily reliant on their IP assets. Risk management strategies also involve the proactive identification and assessment of potential IP threats, allowing companies to implement measures that reduce the likelihood of IP theft or infringement. This may include the adoption of advanced cybersecurity practices, employee training on IP protection, and the regular auditing of IP portfolios to ensure that all assets are adequately protected. In conclusion, effective IP protection requires a multifaceted approach that integrates legal, technological, and financial strategies. By leveraging legal frameworks, adopting cutting-edge technologies, and implementing comprehensive risk management practices, businesses can protect their intellectual property in the increasingly linked and complicated digital world.

4. Technological Solutions

As the digital landscape evolves, technological advancements are becoming more and more important in managing and safeguarding intellectual property (IP). From blockchain technology to artificial intelligence (AI), a range of cutting-edge solutions are being developed to enhance the security and enforcement of IP rights.

4.1. Blockchain-Based IP Protection

The decentralized and unchangeable nature of blockchain technology has made it a promising alternative for intellectual property protection. Patents, trademarks, and copyrights are examples of IP assets that may be recorded and the ownership of them verified using blockchain technology, which offers a transparent and safe ledger of transactions (Kshetri, 2017). The provenance of intellectual property is unquestionable since every transaction on the blockchain is time-stamped and cannot be changed (Tapscott & Tapscott, 2016). For instance, artists and creators can use blockchain to tokenize their works, creating unique digital certificates that prove ownership and facilitate the licensing or sale of IP (Swan, 2015).

4.2. Artificial Intelligence (AI) and Machine Learning (ML) for IP Monitoring

IP protection and monitoring are making more use of ML and AI. These tools can identify patterns in IP infringement activity, anticipate possible risks, and automate the detection of IP infringements. AI-powered technologies, for instance, can search the internet for unlawful use of copyrighted content, such text, music, or photographs, greatly cutting down on the time and effort needed for IP enforcement (Liu et al., 2017). Furthermore, by examining minute distinctions between authentic and counterfeit goods, machine learning algorithms can be trained to recognize counterfeit goods (Gupta, 2018).

4.3. Digital Forensics and Incident Response

Investigating IP breaches and obtaining proof for court cases are critical tasks for digital forensics. Digital forensic specialists utilize specific tools and techniques to track down the breach, find the culprits, and retrieve stolen data when intellectual property theft occurs. Incident response teams frequently assist with these efforts, moving swiftly to stop the breach and stop additional harm (Garfinkel, 2010). To successfully respond to cyber threats and guarantee that IP violations are thoroughly examined, digital forensics must be integrated with IP security methods (Casey, 2011).

4.4. Secure Software Development and DevOps Practices

IP protection in the digital era is contingent upon secure software development and DevOps processes. Organizations may safeguard their digital assets from vulnerabilities and reduce the risk of intellectual property theft by implementing security measures at every stage of the software development lifecycle. According to Arora et al. (2016), security concerns can be found and fixed early in the development process with the use of techniques like code reviews, automated testing, and continuous integration. Furthermore, encouraging cooperation between the development and operations teams through DevOps approaches can improve software system security and resilience, further safeguarding intellectual property from online attacks (Kim et al., 2013).

5. Case Studies

5.1. Google v. Oracle America (2021) 593 U.S., 141 S.Ct

The landmark case of Google v. Oracle America revolved around Google's use of Java Application Programming Interfaces (APIs) in developing its Android operating system. APIs are sets of protocols

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and tools that allow different software applications to communicate and work together, serving as critical components for software interoperability. Oracle alleged that Google's replication of Java APIs without a license constituted copyright infringement, as the APIs were part of Oracle's intellectual property. The case raised the key legal question of whether APIs are eligible for copyright protection under U.S. law and whether Google's use of them qualified as "fair use." Google argued that its implementation of the APIs was transformative, enabling the creation of a new and innovative product—Android—that significantly contributed to the software ecosystem. In April 2021, the U.S. Supreme Court ruled in favor of Google, concluding that its use of the Java APIs constituted "fair use" under copyright law. The Court reasoned that Google's creative and transformative application of the APIs facilitated the development of a novel product that benefited the broader technology landscape. This decision has profound implications for intellectual property protection in the digital age, particularly concerning the balance between fostering innovation and safeguarding original works. It underscores the necessity of nuanced interpretations of copyright law to address the challenges posed by the software industry, where interoperability and the principles of fair use play a pivotal role in technological advancement.

5.2. The Pirate Bay and the Limits of IP Blocking, (Stichting BREIN v. Ziggo BV and XS4All Internet BV, Case C-610/15, 593 U.S. ___, 141 S.Ct. ___, 2017)

The Pirate Bay, a prominent file-sharing platform, has faced extensive legal scrutiny for enabling users to share copyrighted content such as movies, music, and software without authorization. Courts across Europe have consistently mandated internet service providers (ISPs) to block access to The Pirate Bay, aiming to curb its role in facilitating copyright infringement. However, these efforts have been largely undermined by users leveraging tools such as Virtual Private Networks (VPNs), proxy websites, and alternative domain names to bypass the restrictions. This case exposes the inherent limitations of IP blocking as an enforcement mechanism in the digital landscape. Studies have shown that such measures often fail to achieve their intended impact due to the ease of circumvention by tech-savvy users. Despite numerous legal actions, The Pirate Bay remains operational, highlighting the challenges of regulating digital copyright in an era of widespread connectivity and advanced technological tools. The case underscores the need for innovative and multi-faceted strategies to address online piracy effectively. These might include fostering international cooperation, employing advanced detection and enforcement technologies, and engaging digital platforms in collaborative efforts. It serves as a critical example of the evolving complexities of intellectual property protection in the digital age, where traditional enforcement mechanisms must adapt to keep pace with technological advancements.

5.3. Nike v. StockX (2022) – NFTs and Trademark Infringement, 1:22-cv-00983

In 2022, Nike filed a lawsuit against StockX, a digital marketplace, alleging trademark infringement for selling non-fungible tokens (NFTs) representing Nike-branded shoes without authorization. StockX defended its actions by claiming that the NFTs served as "digital receipts" tied to physical shoes stored in its vaults, rather than standalone products. Nike, however, argued that the use of its trademarks in connection with these NFTs was unauthorized, could mislead consumers into believing in an official affiliation, and ultimately risked damaging its brand and diluting its trademarks. This case raises critical questions about the application of traditional intellectual property (IP) laws to digital assets like NFTs, which straddle the line between physical and digital domains. It explores whether existing trademark protections can adequately address unauthorized use in digital contexts and whether such uses can create confusion or harm to brand equity.

Though the lawsuit remains unresolved, it has already sparked significant debate about the legal status of NFTs and their implications for IP rights. This case highlights the pressing need for legal frameworks to evolve in response to emerging technologies, ensuring that brands and their intellectual property are adequately protected in a rapidly changing digital

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landscape. It serves as a pivotal example of the challenges and opportunities presented by the intersection of IP law and innovative digital platforms.

5.4. Microsoft and the Use of Blockchain for Digital Rights Management

Microsoft, in collaboration with Ernst & Young (EY), developed a blockchain-based platform designed to manage content rights and royalties for video game developers and publishers. This innovative solution leverages blockchain technology and smart contracts to automate royalty payments and ensure transparency in the distribution of digital content. Traditional methods of tracking content usage and managing royalties have often been criticized for their inefficiency, opacity, and tendency to generate disputes between creators and distributors. By adopting blockchain, Microsoft sought to address these issues by providing a secure, transparent, and tamper-proof system for managing intellectual property (IP) rights. The platform ensures that content creators are fairly compensated in a timely manner, while also fostering trust among stakeholders by offering a verifiable record of transactions. The implementation of this blockchain solution has significantly streamlined royalty management processes, reduced administrative costs, and minimized disputes over payments. This case exemplifies how emerging technologies can address longstanding challenges in digital IP protection and rights management. It highlights the potential for blockchain to transform the digital economy by ensuring fair compensation for creators and reducing unauthorized use, demonstrating a promising pathway for modernizing intellectual property frameworks in the digital age.

5.5. Viacom v. YouTube (2010) – The Role of Digital Platforms in IP Protection, 676 F.3d 19 (2d Cir.)

In 2010, Viacom filed a lawsuit against YouTube, alleging that the platform had violated its intellectual property rights by allowing users to upload and share copyrighted content without authorization. Viacom sought over $1 billion in damages, arguing that YouTube had not taken adequate measures to prevent the unauthorized distribution of its content. Central to the case was the question of whether internet platforms could be held accountable for user-generated content. YouTube defended itself under the "safe harbor" provisions of the Digital Millennium Copyright Act (DMCA), which protect platforms from liability for copyright infringement as long as they act in good faith to remove infringing content upon notification. Viacom countered that YouTube had failed to prevent copyright violations proactively. The court ultimately ruled in favor of YouTube, affirming that its compliance with the DMCA's safe harbor provisions shielded it from liability. This case underscores the evolving responsibilities of digital platforms in managing user-generated content and the critical role of legal frameworks in balancing the rights of content creators with the operational realities of platform providers. It highlights the importance of collaboration between digital platforms and IP rights holders in effectively enforcing copyright laws, particularly as the scale and complexity of user-generated content continue to grow in the digital age.

6. Suggestions

6.1. Fortify Legal Structures

To handle the complexities of digital IP protection, governments should update their IP laws, making sure to strike a balance between innovation, accessibility, and enforcement.

6.2. Promote Multilateral Agreements

By standardizing intellectual property rules and implementing harsher sanctions for transnational violations via agreements like the TRIPS Agreement, you may improve international collaboration.

6.3. Use Technology to Your Advantage

Businesses need to include cutting-edge technologies like blockchain for unchangeable IP tracking, artificial intelligence (AI) for IP monitoring, and encryption for safe data transit.

6.4. Encourage Education and Awareness

Hold awareness campaigns to inform interested parties about the value of intellectual property protection and the newest technologies for protecting digital assets.

6.5. Strengthen Cybersecurity

Make investments in all-encompassing cybersecurity frameworks to stop patent infringement and trade

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secret theft via illegal online access.

7. Challenges

7.1. Global Jurisdictional Issues

Enforcing IP rights in the digital era is difficult due to inconsistent legislation across countries.

7.2. Technological Development Exceeds Laws

Existing legal frameworks often become outdated due to the quick speed at which technology is developing.

7.3. Cost of Implementation

For smaller businesses, implementing cutting-edge technology like blockchain and artificial intelligence may be unaffordable.

7.4. Maintaining User Rights While Enforcing IP

Finding a balanced approach is crucial since overly restrictive policies run the risk of alienating people and inhibiting innovation.

7.5.The Intricacy of Intellectual Property Violations

Because cybercriminals are using more sophisticated techniques, it is more difficult to identify and stop IP breaches.

8. Future Trends

8.1. AI and Big Data Integration

Real-time IP surveillance and predictive enforcement will be made possible by advanced analytics and AI-driven solutions, improving the capacity to effectively combat infractions.

8.2. Blockchain Extension for Intellectual Property Management

The decentralized ledger technology of blockchain will be essential to guaranteeing transparent, impenetrable monitoring of intellectual property ownership and transactions.

8.3. The Development of IP Laws for Augmented and Virtual Reality

The increasing use of VR and AR technologies will make it necessary to create IP protection strategies tailored to virtual assets.

8.4. Systems for Automated IP Enforcement

IP rights enforcement in digital environments will increasingly rely on automated takedown systems and smart contracts.

8.5. Digital Twin Technology's Ascent

IP frameworks will need to change as digital twins become more common in order to safeguard assets' virtual and physical representations.

Conclusion

The production, dissemination, and defense of intellectual property have all undergone radical change in the digital era. In addition to offering previously unheard-of chances for accessibility and creativity, it has also shown serious weaknesses in the current IP frameworks. This essay draws attention to the growing problems of patent infringement, trademark counterfeiting, piracy, and improper use of internet platforms. A road toward protecting intellectual property in the digital age is becoming more apparent thanks to technology developments like blockchain, artificial intelligence, and digital watermarking, as well as strong legislative changes and international cooperation. However, tackling the dynamic obstacles presented by a continuously changing digital world requires constant innovation and adaptability.

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