

Prof Fairfield, I found your article revealing and your presentation enlightening and I strongly agree with your conclusion that we should reduce the application of IP Law and increase the one of traditional principles of contract and property Law. I would like, though, to make a comment:

In your article, there is a reference to Property Law and especially to digital land wars. In that Section you used several examples to explain the issues raised in Mixed reality that implicate property law, such as top-level domain names and the problem of cybersquatting, twitterjacking, GPS-located tags, mirror worlds etc. In the areas above, Intellectual Property Laws are mostly applied and in some cases seem to be suitable.

There is one example, though, that differs from the others and makes me wonder how it can be compared to the cases above: it is the one with the house and the obscene word viewable through a Mixed Reality application.

In my humble opinion this should be a clear case of Common Law, as Law of property or Tort Law, a personality or a privacy offence. Why should we apply IP Laws in that case and why are we talking about digital land war? It is not a case of digital land - on the contrary the house is located in real world, there are persons - not avatars and the fact that the house owner can't see the offence, but through the application, doesn't mean that the offence doesn't exist.