Printer case may change your future buying rights

Last week, the Supreme Court dealt a major blow to corporations that try to use patent law as a weapon against customers, saying that companies cannot sue for patent infringement only where they actually do business.

Now, the court has ruled again along those same lines, handing a victory to consumer groups in a case about printer cartridges or, more specifically, toner cartridges, the kind used by laser printers. The case has huge implications for how we think about technology ownership in America and your rights as a user.

Here's what you need to know:

What's this case about?

So what's the big deal?
The practical question is how much Lexmark or any other company can control what you do with what you buy. This debate isn't limited to printer cartridges. If you buy a car, do you own it? What does ownership actually entail? You do with your property, anyway?

The issue ties into a broader fight over what some experts call the right to tinker. The thinking goes if you buy something, you should be free to do what you want with it — sell it, modify it, even destroy it. But some companies, even car manufacturers, have sought to limit that freedom. They make arguments such as Lexmark's, where handling a product in a way that potentially undermines the company's business leads to an alleged violation of patent or copyright protections. In this view, customers may think they own the physical property outright but they are still constrained by an invisible cage made of corporate intellectual property.

The Supreme Court disagreed with this view. To help make its case, Chief Justice John G. Roberts Jr. read a long passage from a book that says a shop that sells used cars. The business works because the shop can test-assured, that, so long as those bringing in the cars own them, the shop is free to repair and resell those vehicles. That smooth flow of commerce would sputter if companies that make the thousands of parts that go into a vehicle could keep their patent rights after the first sale.

In short, what you can do with the stuff you buy has real ramifications for America's way of life.

What happens next?

This debate over ownership is only getting more complicated as the world increasingly moves to digital goods, including subscription music and streaming. With apps like Spotify, for example, consumers are choosing to rent, not buy. The sprawling digital economy raises new questions for legal experts about access and ownership.

The next logical step will be for courts to recognize that people who buy digital goods are owners and licensees, and can rent and tinker with their digital goods in the same exact as purchasers of tangible property. The Electronic Frontier Foundation, a consumer group that supported Impression in the case, said Tuesday in a blog post.

Other analysts predict that companies will become more creative in the ways they use patent law to go after cartridge resales, but it didn't rule out other methods of getting what the company wanted.

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