Can DNA Be Speech?

14th Annual Intellectual Property Scholars Conference

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What do these things have in common?

- Cigarette butts in the streets of NYC
- William Shakespeare
- A glowing bunny
Protagonists

A Funny Story About DNA...
If You Look a Little Closer…
The Big Picture

Raising Interesting Questions
Three Areas of Interest

Free Speech

Intellectual Property

Privacy
My TED Talk!

http://tedxtalks.ted.com/video/Your-DNA-Speaks-Do-You-Have-a-Ch

Or just Google “Roig and DNA”
Information as Speech

- Is informational content sufficient?
  - Big Data
  - Sorrell
- Who can speak?
  - Computer Speech
  - Monkey Selfie!
DNA Is More

Expressiveness
Medium
Intentionality
Assessing Speech

Human Activities

Social Interactions

First Amendment Values
Activities that Use DNA’s Speech Characteristics
Three Types of Activities

- DNA as Message
- DNA as Code
- Phenotype as Message
DNA as Message

Picking up cigarette butts in NYC
Genopolitics
Cigarette Butts in NYC

Stranger Visions, Heather Dewey-Hagborg,
http://deweyhagborg.com/strangervisions/about.html (last visited Aug. 8, 2014)
Potential IP Issues

- Copyright
  - Originality
  - Authorship
  - Ownership
    - Joint Ownership?
    - Licensing?
- Right of Publicity
Genopolitics

- Relationship between:
  - DNA
  - Political Ideology
  - Political Engagement

- Troubling potential uses:
  - Mandated Gene Therapy
  - Genetic Disenfranchisement
  - Choice Manipulation – Private Actors
DNA as Code

DNA Libraries
DNA Libraries


◊ **GEORGE CHURCH AND ED REGIS, REGENESIS: HOW SYNTHETIC BIOLOGY WILL REINVENT NATURE AND OURSELVES IN DNA** (2012)
The Library of Congress in One Milligram of DNA!
Potential IP Issues

- Right to Reproduce
- Copies?
- Fair Use
- Google Books
- Storage and Preservation
And the One We’ve All Been Waiting For...
Alba, the Glowing Bunny
The Edunia
All Sorts of Questions...

- What is art?
  - Glowing fish at your local pet store
  - Designer Children
  - Using your own genome
- Can you own the genome of a new species?
  - Micro vs. macro
  - Patents and fair use
THANK YOU!!!!!!