Lecture 4 Summary

Laws of nature are rigid rules which always remain true, and are universal. For instance, the laws of motions remain true regardless of context. On the other hand, civil laws differ from natural laws as they are not set in stone. In a legal system, laws are both based on context and your jurisdictions. Civil laws change over time and are always contested. An example of this would be lockdown laws that would change almost overnight for the sake of the public good.

Contracts are a form of private laws by two parties, one who supplies the contract, and the recipient who agrees to the contract. Contracts should be fair, however in some cases they can be unfair depending on who is on either side of the contract. For example, if you wish to use a social media platform such as Facebook, Facebook will have more leverage in the formation of the contract and can force their rules onto you as there are few alternatives. There are laws in place to make sure contracts are fair. The state can step into these private laws to prevent fraudulent and unfair contracts

In contrast to laws and contracts, codes are not necessarily legally enforceable, they may simply be self-enforcing (similar to the difference between code of conducts and code of ethics). It is often tricky to determine whether a code can be legally enforceable. If a code is not legally binding and something goes wrong, there is no recourse for the harm carried out (assuming no laws are broken).

Everything is arguable, which is why lawyers have jobs, everything needs to be argued for and against. These arguments are similar to ethical dilemmas, as there is no one whole truth or right answer. In a legal case, you have the right to know the case against you. Evidence should be provided to the one the case is being made against, and they should be able to make a counter-case in order to be fair. When deciding on any case, the decider must be unbiased and impartial, aswell the decision should be made only on evidence and the law. In tech, cases made are often unfair, for example on the Apple store a creator was kicked off as his payment methods did not give Apple its 30% cut, and this is a clear example of a partial decider.

The Broadcasting Services Act (BSA) assumes a forgiveness not permission model, which is more of a consequentialist way of handling things. It is a model that says if you didn't know what you did was wrong, and take it down immediately, then you are forgiven. This approach is appropriate in the case of software, as software creation and utilization is an iterative process of making improvements from failures. However, many tech companies can use this ignorance as a defense, disincentivising these companies to moderate and check what is going on, as they can always claim ignorance.

When making a judgment on any case, it is important to not view it situation as black and white, making it into an ethical problem rather than an ethical dilemma. For example, if you go in with a narrow viewpoint that "Facebook is evil, Google is bad" etc. etc., you will begin jumping to conclusions and only frame the situation in a way to justify whatever your initial conclusion was. In many different areas it's important to try understanding the other point of views and various interests of all stakeholders, allowing you to make stronger arguments based on facts.

In summary, this lecture focuses on outlining the differences between natural and man-made laws, what constitutes a fair contract, the dilemma behind man-made laws, and how cases are made and argued. This lecture also provided many examples of real-world scenarios where privacy laws are challenged and why it's important to preserve privacy. One key takeaway from this lecture was that it is crucial to view each case by considering all viewpoints and stakeholders to prevent my bias and initial judgment from impacting my perception of the case facts.

Lecture 5 Summary

Intellectual property is a person's right to the product of their mind. Many different forms of protections exist to prevent theft of intellectual property. These include copyright, trade secrets and patents. Copyright is a form of protection automatically applied to the person who creates a piece of content or expression of an idea. Copyright laws are put in place to enforce the fair use of one's material. Trade secrets are used by companies to keep the inner workings of their ideas secret to the world. An example would be the Coca-Cola recipe being hidden in a bank vault with only a handful of people knowing the full recipe. Trade secrets are a form of self-imposed protection. Finally, Patents are a legal contract between an individual and the government to provide full disclosure and workings of inventions in exchange for a temporary monopoly of said invention.

Patents are one of the most commonly used form of protection for intellectual property. Patents encourage research and development by providing insurance to big companies. Patents allow the companies who put time and effort into research and development to capitalize, providing financial incentive. Patents also encourage the disclosure of information by forcing the inventors to share the inner workings and designs, allowing other inventors to build on top of previous work. Not having a patent in today's day and age is very risky as anyone can just come along and do exactly what you are doing freely, potentially driving you out of market.

To acquire a patent, one must register through the world trade organization with the TRIPS agreement. With only a few exceptions, patents are available for any inventions whether they are a product or process, in all fields of technology, given that they are new, involve an inventive step and are capable of industrial application. Often corporations will build a portfolio of patents to protect their ideas, and future innovations of their ideas. A patent portfolio can act as both a sword and shield, providing licensing to all their ideas whilst also acting as a defense to rival patent portfolio holders.

When deciding on the means to protect an intellectual property, patents aren't always the solution. In cases where the inner mechanisms of an idea can be kept hidden, a trade secret may be more appropriate. In some cases, the idea may not fall under the eligibility of a patent, as the idea may not be new or non-obvious. Patenting is an expensive and time-consuming process. Additionally costs may also be incurred in the enforcement of said patents. When considering whether to patent an idea first you must determine if there is a sufficiently sized market for the idea, and whether this idea could generate more revenue than the cost of the patent.

The level of detail and generalisability of a patent are important things to keep in mind. The language and description must exactly describe the intellectual property, this frequently leads to patents being challenged by competition. One must decide the level of detail to be provided in a patent claim. If a patent claim is too narrow, competitors may make similar ideas to compete. In software it is often difficult to acquire a patent unless the patent is a new technological advancement. Patents often build off existing patents, adding technological "twists" such as security or efficiency. In the software industry, acquiring the initial patent to an idea can be quite difficult. For example, when building an online marketplace such as eBay, it would be difficult to acquire a patent that protects the idea of allowing transactions to occur between people online whilst receiving a portion of profit. This could be denied as it might be deemed business focused and provides no technological advancement. However, suppose they manage to acquire a patent for this idea, someone can develop a similar idea that uses a "safer" UI. This new idea can acquire a patent much more easily under the premise of security advancement.

To conclude, this lecture focuses on the protection of intellectual property using different means, primarily focused on patenting. The lecture provided a great insight into the acquisition process of a patent, aswell as the difficulties in defining a patent. One key takeaway I took from this lecture was seeing the factors to think about when considering patenting intellectual property. I found it quite fascinating that in technology ideas are harder to patent due to the technological requirements, and building off of other established patents is more beneficial than going through the struggle of acquiring the initial patent.