

In Class Intellectual Property Activity

Clare Bartlett

SDX Alliance is a large company that sells computers, computer components, and software. Ralph is hired as an entry-level software engineer at SDX Alliance. His first project was to assist in writing the code for SDX Alliance's new hard disc controller. He had previously worked on a similar system interning at a start-up and had written a code which greatly enhanced the performance of their product. Ralph quietly re-uses this same code in the SDX Alliance product, and does not think to tell anyone that he has used the code from his last job. His manager is thrilled with the speed improvements this code brings to the product.

Before the product is released, it has to undergo a four-month long quality assurance process review. During the review of the product, it was found the code which Ralph developed had been copyrighted by the startup he had previously worked for. Even though Ralph had developed the code, his previous company still owned the intellectual property rights to it.

When his manager informed Ralph of the problem, Ralph admits he did not realize he had made a mistake because he was not familiar with copyright laws. Ralph then goes on to explain that the start-up he used to work for is now out of business and is unsure if SDX Alliance would be able to get in contact with the owner of the copyright. If SDX Alliance can't use Ralph's code, then it will have to rewrite the entire code of the product, delaying its release by many months.

What should they do?

Clare Bartlett was a 2014-2015 Hackworth Fellow in Engineering Ethics at the Markkula Center for Applied Ethics at Santa Clara University.

August 2015

