**Lecture summary**

**Lecture 5: Legal Perspectives**

**Features of legal system**: There's a big split down the middle, **criminal law** and everything else often called **civil law**. **Criminal law** it's launched by the state like a legal proceedings there's a trial you're charged with something like breaking a particular very specific Law that is committing an offence. **Civil law** is the state typically doesn't have any role, it provides the courts but it's between 2 individuals or between an individual and a company or 2 companies or some other government department and some business. **Source:** Statutes (‘Laws’) set rules, Cases interpret (precedent). Jurisdiction, Contract and Codes. **Obligations**: from Statutes and Contracts

**Rule of law:** No-one is above the law, ‘Separation of powers’ (3 wings), Principles of ‘Natural Justice’ (more below…), The decision of a relevant court is binding, Statutes are interpreted by known principles, Interests and arguments taken into account and balance, Restraint on arbitrary power/no-one above the law, If you don’t like it, change the law (legisl.)

**‘Natural Justice’ – Fairness:** People have rights to: Know the case against you (evidence, logic). Make your case, be heard before decision. Test and bring evidence. Decider: partial, no bias, not corrupt. Decision only on evidence and the law. Procedural review (appeal)

**Professional liability:** It is not a trivial thing so one of the big things about being a professional. There is a form of self-regulation as it is called within the disciplines, you often need professional indemnity insurance. Another thing is peer attitudes that set the acceptance standards. The concept of reputation and of being in good standing with your peers. A diverse and constantly evolving as a software how do you balance those sorts of personal and interpersonal and collaborative sort of approaches.

**Risk as a factor in design, ops:** Risk thinking is central to avoid common big project ‘IT fail’. Failure is necessary input to iterative development. Lawyers get interested when failures hit the fan/cause harm Allocate responsibility for bad outcomes Intention and motive are relevant (‘I meant no harm’) But the actual impact is central. This is a disincentive to moderate, check, know of harm It potentially rewards/mandates ignorance But: this immunity evaporates when anyone reports facts

**Data integrity professional:** Google and Facebook and a lot of the other big Dada companies have started their work and, in the techniques, using data in the context where it's not really life and death. They possibly would be a full certification the be a training curriculum of talked with people in several different disciplines about what that might be. Query registration for certain absolute mission critical sort of things. There might be a role for self-regulation if it's a small and very bounded and you know not necessarily very fast moving sort of area and so.

**Lecture 7: intellectual property**

**intellectual property:** Patents and copyrights are the legal implementation of the base of all property rights: a man’s right to the product of his mind. What the patent and copyright laws acknowledge is the paramount role of mental effort in the production of material values: these laws protect the mind’s contribution in its purest form: the origination of an idea.

**Patents** specifically protects functionality, can last up to 20 years of the standard patent modern patent. To acquire it you have to register it and in order to register it you have to get you have to convince a patent office putting away a jurisdiction. it has practical utility is new it is not obvious and it is eligible subject matter that is the kind of controversial area in patents. Enforcement it you basically have 2 aspects to a patent, you've got a description which describes exactly how the invention works but then you've also got this and the claim set defines the scope of the patent, contentious in a in a kind of litigation setting but you get to work to enforce your patent against someone what they're doing has to lie within the scope of the claims of that patent.

**Design** is less about functionality and it has duration between 10 and 25 years. There’s a registration system establish that it's not identical substantially similar to something else. It's a kind of way of enforcing it. But it just has to be identical or substantially similar for a design.

**Trademarks** protects brands that it's a sign of distinguishing goods and services from someone else's goods and services. But there is actually 2 types of trademarks that is the registered trademark and trademark in common law which is not registered at all.

**Copyrights** protects Expression of an idea, literary, artistic, musical, performance, includes computer programs. It has duration until death+70years. No registration required and original work upon material form. Substantial copying will not protect against independent creation / function.

**Intellectual Property** protects confidential information, it has duration as long as can be kept confidential. You can acquire by information imparted under an obligation of confidence and information has quality of confidence Unauthorised use or disclosure. Enforcement: Detriment Ineffective against reverse engineering or independent formulation

**Who owns a patent:** This is an intellectual property rights. The owner could be the inventor or the employer or the university, it really depends on the kind of contractual arrangement. One interesting scenario is that someone performing the inventive work outside of business hours or doing it partly at work. Often you have a normal contract but you're actually assigning the ownership to someone else.

**What can be patented what versus what it's worth patenting**. There are **technical considerations** as the same before you got the option of keep it secret. Patents have a certain requirement like do you assess yourself whether it is new is it not obvious is it inventive. There are the **commercial considerations** as a saying the so it's obviously quite expensive particularly once you start to look at different jurisdictions. You have to establish that there's a market for whatever product you've got. And then there's also the question of enforcing the patent rights because that is also expensive and it is significantly more expensive than even attending in the first place. As for **strategic considerations** am I looking for an investment am I going for a round of funding where you know people might be more interested in in your product if. If you've actually got patents that's the support it and.