

Ethical Considerations in Data Sharing for Targeted Advertising Case Study:

- 1) The company is breaching transparency as the company should be transparent about its data collection and sharing practices. Gamers should be informed about what data is collected and how it is used and who it is shared with. In this case it is suspected that the company has sold the data of its consumers to third party companies for targeted advertising, which was not clearly communicated to the gamers.
- 2) There are 3 parties involved in this case study:
 - Gamers/Consumers: Their values at stake are their privacy and their data ownership as the customers data is being used and sent off a third party without consent of the gamer's knowledge.
 - Gaming Company: This company in this scenario has their integrity at stake as they are breaching the privacy of all of their consumers. They are also valuing money as they are selling the data for a profit.
 - Third Party company the data buyers: This company values the data of the consumers of the gaming company for insight for advertising.
- 3) Possible consequences that could be of the actions taken by the company could result in loss of integrity among its customers. The company's failure to be transparent about its use of consumer data would raise questions among the reliability and trust worthiness of the company. This could result in an influx of customers being concerned about the integrity of their privacy and may no longer want to game with the gaming company anymore. This could lead to a huge amount of money loss for the company if they continue to lose its customers. In addition to this, myself as the software developer may choose to report the unethical practices of the company. This could result in job loss for myself if I refuse to work and comply with the gaming company.
- 4) In this case the ACS offer codes of ethics that can be applied to this situation. One of its core values is The Primacy of the Public Interest meaning that the gaming company should prioritized the interest of their consumers over their own as in this case the gaming company has placed their own interests over their consumers by choosing profit over the privacy of the gamers. As the gamers agree to their capture of their data when purchasing the game, the customers have not consented to their information being used by other companies. In addition to this the company could have practiced honesty. ACS states that companies will be honest in representation of skills, knowledge, and products. The company could have implemented this ideology by informing their consumers about their plan to sell their data. Moreover, the company should aim to fulfil the code of Enhancement of Quality of Life. By doing so the company should aim to use the data for the improvement of their stakeholders such as increasing gaming quality, using the data to tailor it to the needs of the consumers and to enhance customer experience rather than selling their information for money.
- 5) A way the company could have approached this situation differently was by being more transparent about the data collection and sharing practices of the data. If they were to pursue route of selling user information to the third party for extra income, they should have sent a mass email or notification to all of the gamers gaining their consent on if they would allow their information to be shared. Users then can determine if they consent or not to their data being sold to a third party. This way the company is being transparent to its users and protect the gamers privacy if they choose not to have their information sold.

IP Case Study:

Intellectual Property Identification:

Trade Secrets: CyberSolutions have used cutting edge technology "DataGuard" in which is a powerful data encryption software to secure sensitive information. It is assumed that a competing company InnovateTech Systems has copied their software with a new software application "SecureShield" which is extremely similar to the technology of CyberSolutions DataGuard. Trade Secrets may apply to this scenario as the encryption software may be a form of Trade Secret. This is because CyberSolutions may have kept their encryption software a secret to provide themselves with a competitive advantage, Trade Secret protects the non-disclosure of their software and prevents their original work from being distributed.

Copyrights: InnovateTech may have Copyrights to their data encryption Code meaning that Copyright protects CyberSolutions from other companies such as InnovateTech from directly copying their software. The software code as well as the user interface falls under the Copyright Act as both of these are original works made of CyberSolutions.

Patents: Patents grant exclusive rights that protect invention, enabling the inventors to protect others competing companies from duplicating their work. In this case, DataGuard may be under protection as CyberSolutions have developed the software as well as the interface themselves. InnovateTech may be at risk of breaching this if they did copy DataGuard through the invention of SecureShield which share similar qualities.

Infringement Analysis:

Copyright Infringement: Copyright Law 1968 states that it legally protects original work of authorship which gives CyberSolutions exclusive right to control the use, reproduction, and distribution of the DataGuard software. If InnovateTech Systems have directly replicated CyberSolutions DataGuard, and labelled it as SecureShield, it could possibly constitute a copyright infringement.

Trade Secret: Trade Secret Law in Australia refers to valuable, confidential information that provides a competitive advantage to a business. Trade Secrets rely on their secrecy for protection rather than formal registration or public disclosure. In this case, CyberSolutions Trade Secret is the DataGuard which gives them a competitive advantage as a business. InnovateTech may be at risk breaching the Trade Secret Law by releasing new software Secure Shield, in which bears similarity to DataGuard. The unauthorized use of these methods by InnovateTech systems can be considered a breach of trade secrets.

Patents: This may not relate to the case as CyberSolutions have not made an inventive step with DataGuard as data encryption software the secure sensitive information is although the interface of the software may be patentable as it

Legal Framework:

Copyright Act 1968: This act provides protection for original works. These laws grant copyright owners exclusive rights to reproduce or publish their works and it establishes penalties for copyright infringement. In this scenario, CyberSolutions is under the copyright act as DataGuard is a software that they originally produced. Copyright Act would protect against the direct duplication and reproduction of DataGuard code to other competitors.

Trade Secret Law: In Australia, trade secrets are primarily protected under common law and equity principles, rather than specific legislation dedicated solely to trade secrets. However, trade secrets

receive legal protection through various statutes, contractual arrangements, and equitable doctrines. This allows for the registration of trademarks which protects the DataGuard interface design.

Patents Act 1990: In Australia, the Patent act controls the granting and protection of patents, the legislation provides a framework for patentability criteria, examination procedures, and the protection of patent rights. The invention of the software can be hard to patent but CyberSolutions may be able to get a patent on their interface design such as logos.

Potential Legal Consequences:

Potential Legal Consequence if InnovateTech Systems if found liable for copyright infringement can result in criminal penalties including fines and imprisonment. Copyright owners can take legal action against infringers to stop infringement and recover damages. InnovateTech systems may be ordered to pay CyberSolutions in damages as compensation for the profits gained by InnovateTech systems by stealing the intellectual property of CyberSolutions.

Protection and Management:

CyberSolutions could protect their intellectual property by to registering their software and interface for a patent. Through Patent registration, CyberSolutions will have legal evidence of ownership of both the user interface design as well as the software code in which they can enforce Patent claims and establish the creation of DataGuard. The Patent act in Australia protects inventions, enabling the inventors to prevent others from making, using, or selling their inventions without their permission. This will prevent InnovateTech to use the CyberSolutions software code as well as their interface as their own work.

In addition to this CyberSolutions can Trademark their DataGuard interface and any associated branding elements in connection of the software. Through trademarking, it provides a legal protection for CyberSolutions interface branding, ensuring that other companies such as InnovateTech cannot use similar interfaces with their SecureShield systems. Trademark Law allows Trademark owners to have exclusive rights to use their trademarks in relation to the goods and services for which they are registered. They can also take legal action against anyone who infringes their trademark rights. In this case CyberSolutions can take legal action against InnovateTech for their copy of data encryption software.

Ethical Considerations:

Ethical considerations play a fundamental role in various aspects of society, including the protection and management of intellectual property. It is essential that companies have respect for creativity and exercise the respect of intellectual property. Respecting intellectual property rights encourages fair competition. If ethical infringement occurs it allows other companies to gain an unfair advantage through unauthorized access to other company's innovations. Ethical business practices should revolve around fair competition or else the lack of respect towards intellectual property is rewarded.

Intellectual property infringement is not just a legal matter but had ethical implications as well, Respecting the rights of innovators is and creators is essential to grow a culture of innovation and integrity within businesses.