



MSIS2606 SOFTWARE PROJECT MANAGEMENT

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INTELLECTUAL PROPERTY

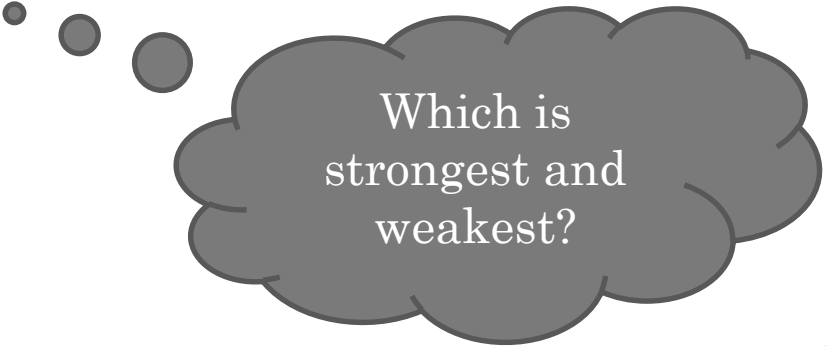
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INTELLECTUAL PROPERTY

- Intellectual Property (IP) includes:
 - “Original” ideas
 - Inventions
 - Algorithms
 - Source code
 - Designs
 - Processes
 - Customer lists
 - Employee list
- Any information that gives a company a competitive advantage

IP PROTECTION

- Objective
 - Protect investment required to create IP
- Employee IP assignment
 - IP created by an employee is generally assigned to the employer as part of an employment agreement
- Major forms of IP protection
 - Trade secret
 - Patents
 - Copyright
 - Trademarks



Which is
strongest and
weakest?

TRADE SECRET

- Organization does not disclose invention to others
 - All trade secret materials marked with appropriate legend (e.g., Confidential & Proprietary)
 - Available to others under Non-Disclosure Agreement
- Strengths
 - No IP disclosed
 - Competitive advantage maintained
- Weaknesses
 - No legal recourse except prosecution for theft or lawsuits for damages
 - Others can independently develop the same invention

PATENTS

- Legal protection of inventions through filing descriptions of them with patent offices of the United States (USPTO) and other countries
- Strengths
 - Legal protections including exclusive use for a limited time
 - Can license others to use invention (and collect royalties)
- Weaknesses
 - Details of the invention are public information
 - Patents not universally recognized or respected in all countries

PATENTS

- Patents must be:
 - Useful
 - Novel
 - Unobvious
- As of March 2013, the US converted from first-to-invent to first-to-file for a patent
 - First-to-invent protected inventors' rights prior to filing for a patent, but
 - The rest of the world granted patents to the first-inventor-to-file
- Source: <http://www.uspto.gov/>

COPYRIGHTS

- Legal right to restrict copying of material
- Strength
 - Copyrights are in force as soon as the information is written down
 - Use copyright legend to remind readers of the copyright
 - Copyright © Year by Owner, All Rights Reserved
- Weakness
 - Very difficult to detect violations and enforce
- Selfie copyright infringement famous case:
 - Cf.
https://en.wikipedia.org/wiki/Monkey_selfie_copyright_infringement



COPYRIGHTABLE MATERIAL

- Literary works
- Musical works, including any accompanying words
- Dramatic works, including any accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic, and sculptural works
- Motion pictures and other audiovisual works
- Sound recordings
- Architectural works
- Source: <http://www.copyright.gov/>



TRADEMARKS

○ Definition (Source: USPTO)

- “A trademark is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.”
- “A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.”

TRADEMARKS

- Registered with USPTO
 - Mark indicated with a ®
- Unregistered
 - Mark indicated with a TM (trademark or marks representing goods) or an SM (marks representing services)
 - Indicates a claim on the mark, but is less protected
 - Cf. <https://www.forbes.com/sites/work-in-progress/2014/03/12/when-and-how-do-i-have-to-use-trademark-symbols/#2460765c0afc>
- Use of mark
 - Can be licensed by mark owner
 - Should include ownership citation when used by others

FAMOUS EXAMPLES

- Trade secret and trademarks
 - Coke® recipe is a trade secret
 - Coke is a registered trademark of The Coca Cola Company
- Patents
 - Alexander G. Bell's patent for the first telephone
 - Considered by some to be the most valuable patent ever issued
- Copyrights
 - Napster's challenge to music copyrights (which it ultimately lost)



MAXIM

- “A software company’s greatest assets are its intellectual property and its people, not necessarily in that order.”