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Professional Legal & Ethical Issues

(Professional Practice 2)

Assignment 3

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Table of Content

[Introduction 2](#_Toc420268929)

[Reference 2](#_Toc420268930)

# Introduction

# Q1

## Kim

### IP

Despite the fact that Kim has created this library called “TERRAWESOME” this was done while he was contracted by HEATWAVE. Furthermore, he used the company’s time, resources software programs, computer, etc. To create this and such this IP belongs to HEATWAVE. According to IP Australia, “in the case of an industrial or product designer who is an employee of a design firm, ownership of the IP usually resides with the employer” **(IP Australia, 26).** It must also be noticed that should Kim continue this he will be violating IP issues with PasiVision once the companies have reached a binding agreement pertaining to the merger. **(IP Australia, 26).** Another way it means the library “TERRAWESOME” does not belong to KIM. It is belong to HEAWAVE. (ref)

Taking to other poelple will lose …..

In working in workdays in HEARWAVE will be problem , but if after work then ok

### Trademarks

Potential issues are arise regarding HEATWAVE naming of the library “THERAWSORS” both in terms of a potentially existing library with a similar sounding name which has or is under process of TM or with the indie game using the name “TERRAWESOME” which is HEATWAVE’s IP.(ref)

### Copyright

Not suitable for this question

### Design

Not suitable for this question

### Patent

Kim’s library was composed, by fusing and synthesizing data from multiple, unknown sources which could potentially lead to issues with existing or pending patents trademarks.

## Alex

### IP

Despite the fact that ALEX has created the characters called “FIREFOX” and “SILVER SLUG”. this was done while he was contracted by HEATWAVE. Furthermore, he used the company’s time, resources software programs, computer, etc. To create this and such this IP belongs to HEATWAVE. According to IP Australia, “in the case of an industrial or product designer who is an employee of a design firm, ownership of the IP usually resides with the employer” **(IP Australia, 26).** It must also be noticed that should ALEX continue this he will be violating IP issues with PasiVision once the companies have reached a binding agreement pertaining to the merger. **(IP Australia, 26).** Another way it means the library characters does not belong to ALEX. It is belong to HEAWAVE. (ref) ,

Taking to other poelple will lose …..

In working in workdays in HEARWAVE will be problem , but if after work then ok

#### Trademarks

Potential issues will arise regarding HEATWAVE naming of the characters “FIREFOX” and “SILVER SLUG” both in terms of a potentially existing characters with a similar sounding names which have or are under the process of TM or with the indie game using the name “FIREFOX” and “SILVER SLUG” which are HEATWAVE’s IP.(ref)

#### Copyright

Not suitable for this question

#### Design

Even if HEATWAVE consensually gave Kim and Alex IP rights the indie game team would still need to consult the IP library in order to ensure no similar material already exists**. (IP Australia: A guide for applying your design, 14)**

It is unclear as to who exactly owns the IP as Heatwave has not registered the material and their potential merging partner has expressed intention to shelf all projects for at least eight months leaving the game’s future uncertain. According to IP Australia: A guide for applying your design, **“A design is not enforceable until it has been registered, examined and certified,” (15). Furthermore, it is true that not all designs are registrable (IP Australia: A guide for applying your design, 15)** and thus it is not certain if either the indie game team or Heatwave will be granted approval should either entity submit an application.

Considering the sensitive nature of this situation, there could be a potential registration race between Heatwave and the indie game team. That is, both entities may seek to claim ownership of some or all of the IP derived from the creation of this game. If each entity is to make an application, neither can assume that they have won the right of registration once the application has been filed. IP Australia warns that when regarding IP legislation: **“Do not assume that your design is registered when the application is filed. Until you receive the Certificate of Registration, you cannot claim that the design is registered,” (15).**

In the case of the indie game team, it has become apparent within the company that the two employees, Kim and Alex, intend to release this game independent of Heatwave. The two employees have observed that other employees have taken note of this, especially after an article was published about the game. In particular, some staff at HEATWAVE have begun talking in the staffroom about the article in “Game Programmer.” Undoubtedly, questions of where Alex and Kim’s loyalties lie have been raised among staff. It is safe to assume that this observation has not be lost on upper management and the indie game team would be gravely naïve to assume that the HEATWAVE management and legal team were not preparing to take appropriate legal action to protect their IP. **Lost design idea new**

Even if HEATWAVE consensually gave Alex rights the indie game team would still need to ensure that they request registration or publication when filling the application within six months, otherwise there will be a risk of losing the design. **(IP Australia: A guide for applying your design, 14)**

#### Patent

**If Kim and alex are disappointed at the delay and see an opportunity to be first to market they can apply design for patent to stop people copying the idea.**

## Me

###### IP

If some of the things that they do in dragons den’ environment and we think is good if we make faster then them is it ecthicl

If some of the things that they do in dragons den’ environment and we think is good and then just have copyright can we use there idea to make similar things and stop them to design our things

#### Trademarks

Not suitable for this question

#### Copyright

Not suitable for this question

#### Design

#### Patent

If I paying them and heatwave are paying them as well who will have to must change to when

## Sam

IP

Maybe hype campaign may lose the currect IPs.?? How can they work full time in heatwave with recive jobs from hitwave.

#### Trademarks

Not suitable for this question

#### Copyright

Borried libiary

#### Design

We releasing a desing without any promession can lead to lose to apply for design , a highly changce that will be lost the apply

#### Patent

# Q2

## Kim

#### Trademarks

Not suitable for this question

#### Copyright

Not suitable for this question

#### Design

Because it has already the art to the public, will that be challenge for us applying to

#### Patent

## Alex

#### Trademarks

If apply trademark faster than HEATWAVE will we get trademark

#### Copyright

Not suitable for this question

#### Design

#### Patent

## Me

###### IP

If I’m paying them and heatwave are paying them , who will get the IP

#### Trademarks

Not suitable for this question

#### Copyright

Not suitable for this question

#### Design

#### Patent

## Sam

#### Trademarks

Not suitable for this question

#### Copyright

.Even people don’t know about you are using borrowed software ,but it not ethical to that.

What the biggest chanallge if we caught by the ownership of borwwed software.

#### Design

#### Patent

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