

# Survey on Software Copyrights and Patents

CS 196: Ethical & Professional Issues in Computing

Student Number:

Year Level:

Sex: ☐ Male ☐ Female

College:

Date [MM/DD/YYYY]:

Administered by:

Which of these products are you familiar with? [Check all that apply]

☐ iPhones & iPads ☐ Galaxy Phones & Tablets ☐ Java ☐ Android

## Apple vs. Samsung

*Apple vs. Samsung* is a series of patent infringement lawsuits filed by the two companies against each other. Apple has filed several design patents, including patents for the iPhone's shape and colors for iPhone's graphical user interface. On April 15, 2011, Apple sued Samsung in the US, claiming that Samsung infringed on Apple's design patents. Samsung counter-sued Apple on April 22, 2011, in the federal courts of Seoul, Tokyo, and Mannheim, claiming that Apple infringed on Samsung's patents on wireless technology.

### Questions

1. Did you already know about this case?  
☐ YES ☐ NO
2. Samsung was found **GUILTY** of infringing Apple's design patent of "home button, rounded corners and tapered edges (US D593087)". Do you agree with the decision?  
☐ YES ☐ NO
3. Samsung was found **GUILTY** of infringing Apple's design patent of "On-Screen Icons (US D604305)". Do you agree with the decision?  
☐ YES ☐ NO

### Definition of Terms



- **Patent:** a set of rights given to the owner of an invention that prevents others from making, using, importing, or selling the invention without the owner's permission. To patent an invention, it must be new, an improvement over current processes or technologies, and must have practical industrial application.
- **Design Patent:** A patent granted to the ornamental design of an object, i.e. its physical appearance.
- **Utility Patent:** A patent granted to a new and useful process, machine, manufacture, or composition of matter.
- **Injunction:** A court order requiring a person or group to do or stop a specific action.

4. Samsung was found **NOT GUILTY** of infringing Apple's design patent for their iPad (US D504889). Do you agree with the decision?
- ☐ YES ☐ NO
5. In an amicus brief filed by Dell, Facebook, Google, HP, and other tech companies, they favored Samsung, saying that it was "absurd" that a company has to lose profits because of a single infringement of a design patent. They compared the case to asking the car company Jaguar to pay Porsche all of the former's profits to Porsche on a car just because it violated a patent on the cup holder. Essentially, **a patent infringement should not be worth the entire product**. Do you agree with them?
- ☐ YES ☐ NO
6. In an amicus brief filed by Industrial Design companies, they favored Apple, saying that the design influences a consumer's perception of a product, even if it is non-visual. They further say that the **design sells the product, and it is what makes profit for the product**. Do you agree with them?
- ☐ YES ☐ NO

## Oracle vs. Google

### Definition of Terms



- **Copyright:** legal rights given to the creator of works such as writings, paintings, photographs, etc., that prevents others from copying, distributing, creating derivatives, performing, and displaying the work in public.
- **Fair Use:** A legal doctrine which allows copyrighted material to be used if it is in the interest of the greater public good (Ex. parodies, news, commentary, reviews)
- **Application Programming Interfaces (APIs):** Software tools that are meant to be used by other software to achieve a certain functionality. (Ex. When you log in to an app using your Facebook account, that app uses the Facebook API)
- **Java:** includes a programming language and an API used within the language. It was created by Sun Microsystems, later bought by Oracle.
- **Android:** an operating system designed for mobile devices; it was created by Android, Inc. and later bought and developed by Google. Android's functionality can be extended via *apps*. Many of these apps are written in Java and uses an *Android Java API* that was made by Google. Google made its Java API similar in many ways to Oracle's original Java API.

*Oracle vs. Google* was a dispute between the owners of Java (Oracle) and Android (Google). When Android was first created and announced that it would have a Java API, Sun (the maker of Java) praised it. Oracle later bought Sun, while Android became one of the most used operating systems

in the world. Oracle claimed that Google violated copyright laws when it created its own version of the Java API and demanded payment for damages. The court rulings were as follows:

Ruling	Winner	Notes
The APIs that Google “copied” were <b>not protected by copyright</b>	Google	The court reasoned that if “there is only one way to declare a given method functionality,...everyone using that function must write that specific line of code in the same way”
Reversed ruling; the Java APIs <b>are protected by copyright</b>	Oracle	Google could still have a <b>fair use</b> defense
Google’s use of Java APIs was <b>fair use</b>	Google	However, the ruling that APIs are protected by copyright still stands.

### Questions

7. Did you already know about this case?  
☐ YES ☐ NO
8. The first judge declared APIs to be free of copyright because it was considered too generic and reflected the only functional way to do something. Basically, the court decided that **APIs do not contain any expressiveness or creativity**. Do you agree?  
☐ YES ☐ NO
9. The second ruling reversed the first one, declaring that the **Java API was protected by copyright**. Do you agree?  
☐ YES ☐ NO
10. The third ruling defended Google’s use of the Java API as fair use, **ensuring that the copyright laws could not hinder innovations made by Google**. Do you agree that it was fair use?  
☐ YES ☐ NO
11. In an amicus brief filed by the Electronic Frontier Foundation on behalf of computer scientists, they petitioned the court to favor the first ruling. Many in the software industry agree with the fair use ruling, but still **believe that APIs shouldn’t be copyright-protected in the first place**. Do you agree with them?  
☐ YES ☐ NO
12. In an amicus brief filed by the Picture Archive Council of America & the Graphic Artists Guild, they argued against Google’s fair use defense, saying it was not “fair” that Google used the creative works of Oracle to jump start their venture into a new and lucrative field. They added that this this decision undermined the copyrights not only in softwares, but in all creative works. In summary, they **do not agree that Google’s copying is fair use**. Do you agree with them?

☐ YES ☐ NO

### Final Questions

These last two questions apply to software copyrights and patents in general.

13. If someone copied part of your work and used it to create a popular and profitable product, would you demand that they stop creating/selling the product?

☐ YES ☐ NO

14. In the same situation, what would you ask as compensation from the people who copied your work?

☐ All of their profits

☐ Just a part of their profits

☐ None of their profits

Signature:

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| By signing this form, you attest that you are a student of the  
| University of the Philippines Diliman, and have answered honestly  
| to express your opinions about the questions above.

|

| For more information about this survey, go to  
| <https://cs196copyrights.github.io/survey/>

That's it :)

Thank you so much for your time. You are a true hero.