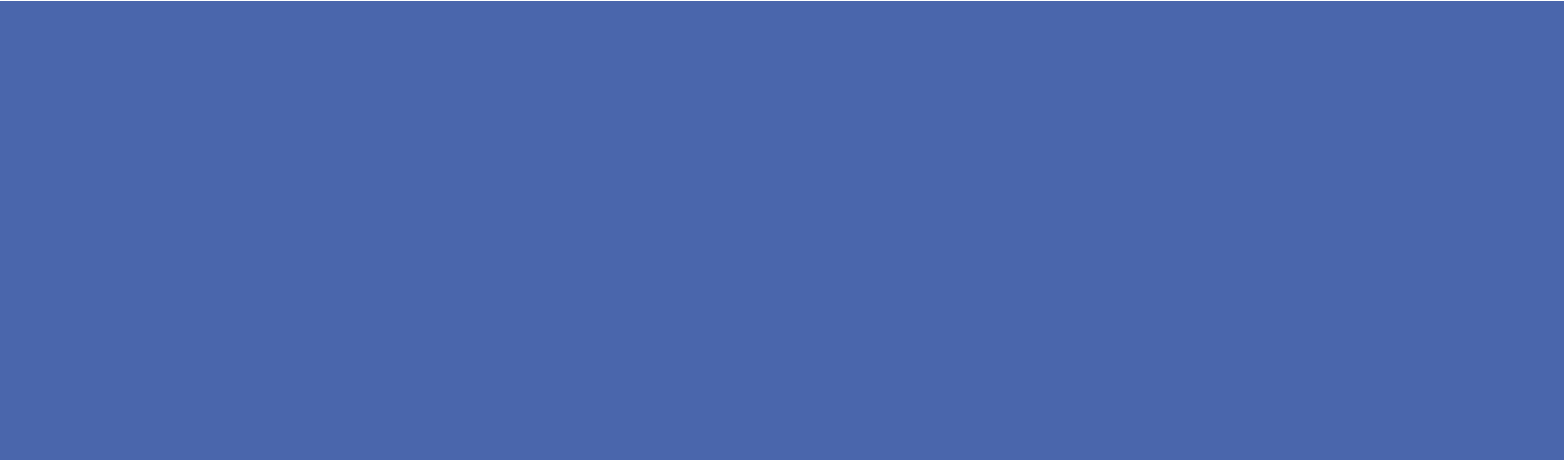

SOFTWARE LAW, ETHICS

WEEK 11 – 11/06/2019



IP LAW

What does “IP Law” mean?

- (a) The kind of law practiced by IP Man
- (b) Law governing influenza pandemics
- (c) Intellectual Property law

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PRINCIPAL TYPES OF IP LAW

- Copyright
- Patent
- Trademark
- Trade secret

COPYRIGHT

- U.S. Copyright Act (also Digital Millennium Copyright Act)
- Covers artistic works
 - The creator owns the right to do certain things with the work (e.g. copy, publicly display, make “derivative works”)
- Most common protection for software

COPYRIGHT

- Key aspects to remember
 - Doesn't protect just an idea – it has to be “fixed” in a tangible medium
 - You have to write the code, and the code is what is protected
 - Typically doesn't protect a word or phrase (not considered an artistic work)
 - Work made for hire: employer owns works within the scope of employment
 - Doesn't apply to consultants

PATENT

- U.S. Patent Act
- Protects inventions
 - Utility patents (how the invention works – most common patents filed)
 - Design patents (how the invention appears)
- Software patents are somewhat common



PATENT

- Key aspects to remember
 - You don't have protection unless you file it
 - Must be a new idea ("sufficiently novel")
 - It cannot be known by the general public before filing (careful about those public presentations – use an NDA)
 - You have to be able to actually do it ("reduce it to practice")
 - Patents are expensive; there are lots of patents by companies like IBM, HP, Oracle and others in the software space
 - Only an individual can be the inventor – not the company; so companies have to get the inventor to assign the idea and patent application.

TRADEMARK

- U.S. Federal Trademark laws (Lanham Act) and various state laws
 - aka – how to protect a “brand”
- Protects consumers against confusion
- Protects names, colors, sounds, logos



TRADEMARK

- Key aspects to remember
 - Must be used in commerce
 - Must not be confusingly similar to someone else's mark in the same space
 - You may not have to file to protect it; but filing can get nationwide protection

TRADE SECRET

- U.S. Federal trade secret laws and various state laws
- Exactly like it sounds – cannot steal secrets
- Protects ideas, processes, business methods
 - Think of the Coke formula



TRADE SECRET

- Key aspects to remember
 - Must be secret – must use reasonable efforts to keep it secret
 - Nondisclosure agreements
 - No filing required
 - No requirement regarding novelty or originality, just secrecy



ETHICS

MY BOSS WANTS ME
TO INTEGRATE A
GREAT PRODUCT WITH
A TERRIBLE ONE JUST
TO VALIDATE OUR
MERGER.



www.dilbert.com scottadams@aol.com

IS IT ETHICAL FOR
ME TO STALL FOR A
MONTH UNTIL HE
FORGETS WHAT HE
ASKED FOR?



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SURE. YOU
CAN EVEN
HIT HIM
WITH A
ROCK TO
SPEED UP
THE FOR-
GETTING.



MAYBE I'M
ASKING THE
WRONG
ETHICIST.

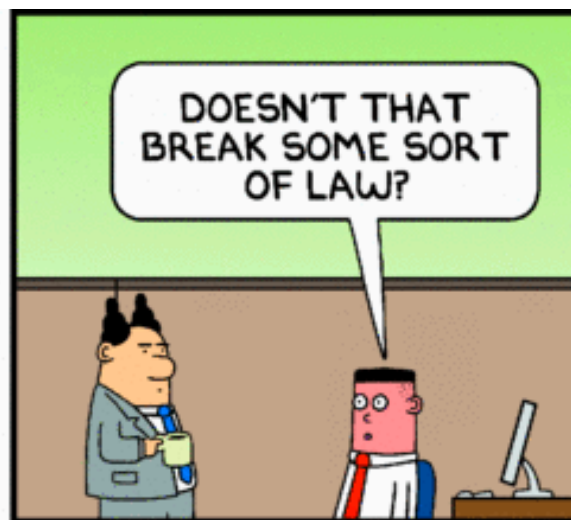


KOHLBERG'S STAGES OF MORAL DEVELOPMENT

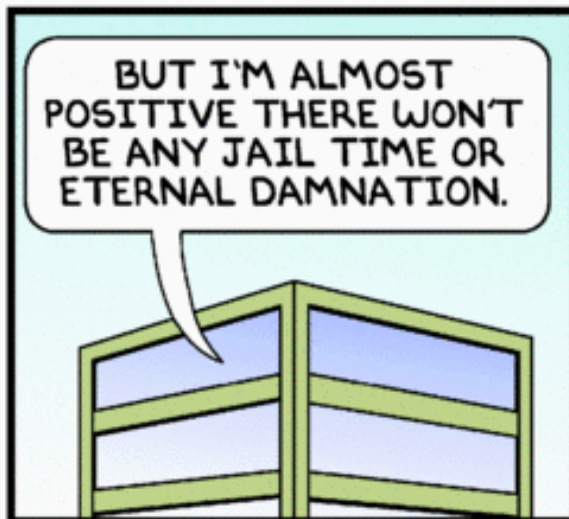
- **Stage 6:** I do it because it's the right thing to do
I have an obligation to disobey unjust laws
- **Stage 5:** I do it because we have a social contract with each other
I treat others how I want to be treated
- **Stage 4:** I do it because it is the law, and I respect the law
- **Stage 3:** I do it so people like me
- **Stage 2:** I do it because I get something out of it
- **Stage 1:** I do it so I don't get into trouble



E-mail: SCOTTADAMS@AOL.COM



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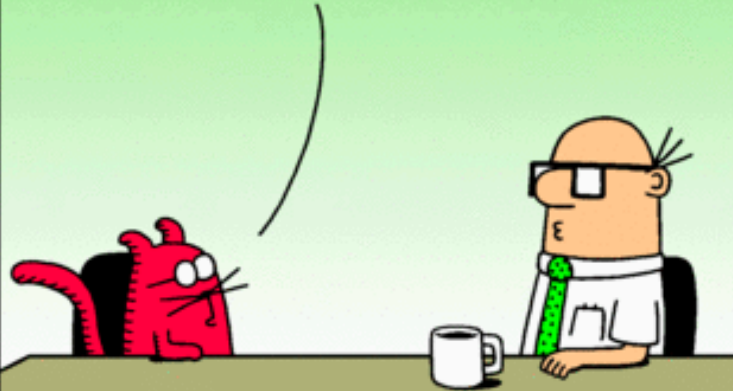


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2-1-09

YOU'RE THE FIRST
EMPLOYEE IN COMPANY
HISTORY TO FAIL THE
ONLINE ETHICS COURSE.



Dilbert.com DilbertCartoonist@gmail.com

I PROTEST THE
GRADING SYSTEM!
ETHICS ARE SUB-
JECTIVE. THERE ARE
NO RIGHT ANSWERS!



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YOU SAID
YOU WOULD
KILL A CO-
WORKER
IF YOU
KNEW YOU
WOULDN'T
GET CAUGHT.



IT WAS
HARD TO
KNOW WHAT
ANSWER
THEY WERE
LOOKING
FOR.





A RECENT CASE STUDY



WHY IS ALL THIS IMPORTANT?

- You could be working on a self-driving car
 - moralmachine.mit.edu
- ...or air traffic routing software
- ...or credit card transaction processing
- ...or a data powerhouse
- ...and you have an influence!