Solution

Who is the plaintiff and who is the defendant?
Pear – plaintiff (their software was copied, they are bringing the complaint)
MicroSpam – defendant (challenged about the copying)

Scenario I.
No infringement
If they did not know of existence, they have never seen it
So similarities can only be as a result of chance
There cannot have been any copying or making an adaptation
Pear and MicroSpam have copyright in their respective programs

Scenario II.
No infringement
They have never seen it
So similarities in the code can only be as a result of chance
There cannot have been any copying or making an adaptation
If they know of it, then they know the idea
But the idea is not protected by copyright (which protects expression)
Pear and MicroSpam have copyright in their respective programs

Scenario III.
No infringement
No implication here that the look and feel are the same
If MicroSpam created the program independently there cannot have been any copying or making an adaptation
If the programs are similar this is the result of coincidence, or because they are constrained by the function
Pear and MicroSpam have copyright in their respective programs

Scenario IV.
Possible infringement
Note that it refers to *structure* here
Structure can be protected by copyright as well as the program code
MicroSpam has copied the structure indirectly, even without looking at the program code, by extensively using Pear's program to understand the way it works
Indirect copying
Also possible in this case that other non-literal parts of the program have been copied (menus, icons, window layouts). These can also be protected by copyright.
Shift of the burden of proof if it can be shown that MicroSpam extensively used the program
That means that BOP moves from plaintiff (Pear must show that copying took place) to defendant (MicroSpam must show that they did not copy the plaintiff's work).
Hard for defendant to show this.

Pear and MicroSpam have copyright in their respective program code (the code was not copied) but the structure is an infringement of Pear's program by MicroSpam

Scenario V.
Definite infringement
We should ask whether the decompilation right in CCPR applies
It does not, because this is a competing product
Just the act of decompiling the program is an infringement of copyright (making a translation)
Note that Pear probably still has copyright in the re-coded parts of the program because this is a translation of their code, not a program that has been created independently.

Scenario VI.
Definite infringement
Literal copying
Any other legal issues?
Probably breach of confidence (may also be a contract prohibiting the employee to work on a competing product)
Pear retains copyright in the portion of new program that was literally copied

Scenario VII.
Possible infringement
Copyright infringement does not need to be literal
He could recall enough of the expression in Pear's software to effectively copy it
MicroSpam would have copyright in the code that was written, but copyright in the structure (and possibly even some of the code) belongs to Pear