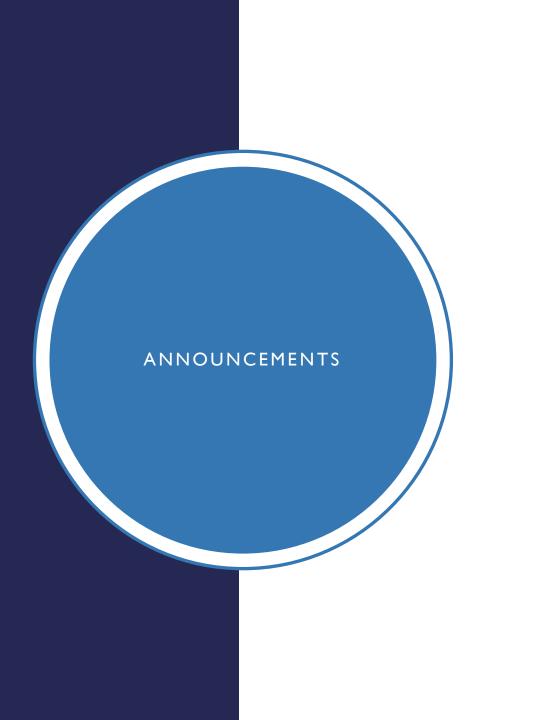
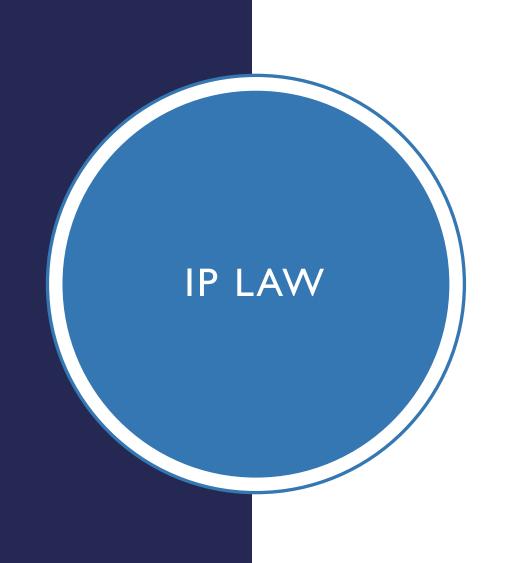
SOFTWARE LAW, ETHICS







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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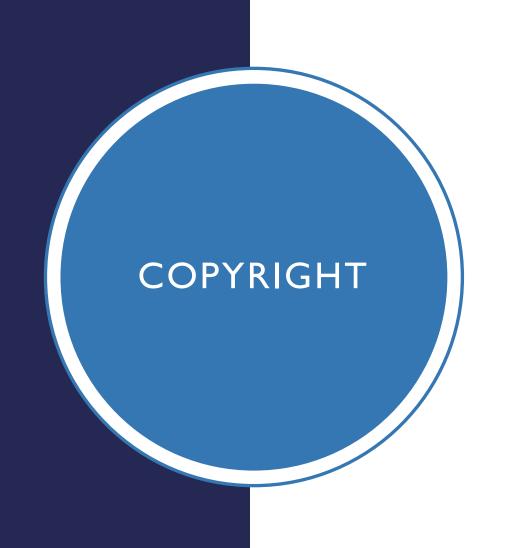
PRINCIPAL TYPES OF IP LAW

Copyright

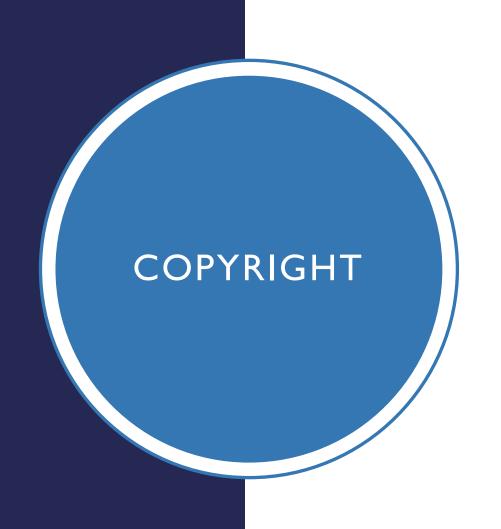
Patent

Trademark

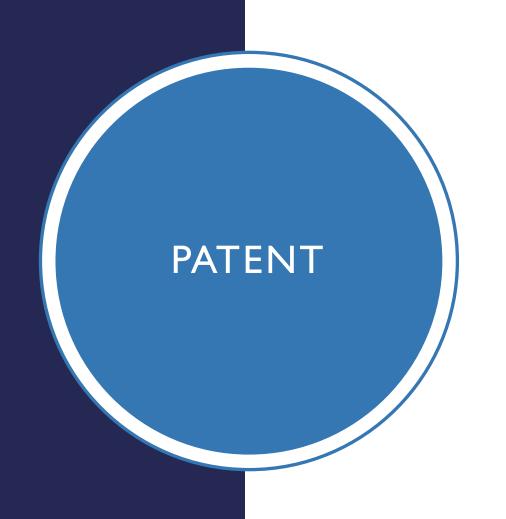
Trade secret



- 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

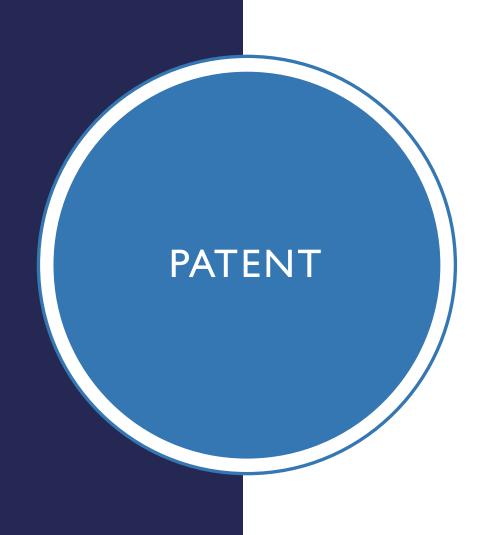


- Key aspects to remember
 - Doesn't protect just an idea it must be "fixed" in a tangible medium
 - You must write the code, and the code is what is protected
 - Typically doesn't protect a word or phrase (not considered an artistic work)
 - Work made for hire: employer owns works within the scope of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



- 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





- 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 must be able to 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 must get the inventor to assign the idea and patent application.



- 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



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



- 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





- 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



- If you would like to consult someone about protecting your IP rights here at CU, you may reach out to the "Venture Partners"
- For more information about them, visit: https://www.colorado.edu/venturepartners/

ETHICS



- 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 I: I do it, so I don't get into trouble