

Why are we talking about licenses?

- I am not a lawyer
- You are not lawyers (probably)
- So why?

We use other people's code, images, fonts, etc often

- and we need to know the legal rules
- a lot is "normal" that is not legal
- professionals expected to be legal

About that "not a lawyer" thing

- I can't say what is legal
- This is just a warning about issues and assumptions

Intellectual Property (IP)

IP is not legal thing by itself

- copyright
- trademark
- patents

These are 3 different areas and have different rules

Copyright

Copyright applies to **expression**

- not ideas

Per the Berne Convention (most countries on Earth)

- applies as soon as the item is created
- no "registration" or other process required
 - automatic

Copyright Protections

<https://www.copyright.gov/help/faq/faq-protect.html>

- A "limited" monopoly to encourage creativity

Notable protections include

- copying
- distributing
- making derivative works
 - includes translations

NOT based on

- whether you make money
- whether you give credit

What this means

If you found an image on the internet (for example), you can't legally

- copy it
- redistribute it
- modify it

What? Does that mean memeing is illegal?

Sometimes. Probably often.

There are rules and reality

In practice, LOTS of copyright violation just happens

- a cease-and-desist letter is often first step

But they can sue, with different motivations

- "this is my livelihood"
- "I think I can get money from you"
- "I'm a company and I want to send a signal"

What about "Fair Use"?

Copyright laws include a concept called "fair use". Exceptions for reviews, education, etc.

But Fair Use doesn't mean Copyright doesn't apply, Fair Use is a **defense**.

You won't know if your Fair Use is actually protected until you are getting sued.

Trademark

Trademarks cover names and identifying attributes

Unlike copyrights

- they don't happen automatically
- they aren't about encouraging "the arts"
- they are about protecting consumers
 - I can't claim to be a well-trusted brand

Required Protection

Copyright isn't lost if you don't defend it

- (anymore)
- Trademark is

Once the public no longer associates the identifier with your company

- you lose the trademark

Xerox, Google, Kleenex, Band-aid

- Famous disputes

Trade Dress

Why do we care about Trademarks?

- A website appearance style can be protected as "Trade Dress"
- If it looks like Twitter/Facebook
 - Customers might assume it is

Be cautious!

Patents

Patents are limited monopolies over actions

- ways something works
- not supposed to protect ideas
 - insert rant here

Intended to encourage innovation

Patents and algorithms

The internet age has lots of "with a computer" patents

- Many, many patent "trolls"
 - filing vague patents and suing to settle
- recent(ish) Supreme Court case said "no"
- Effects on trolls still resolving

Patent Effects

- Companies will want you to do something they can patent
 - For prestige, anti-competitive, or defensive
- When creating you want to avoid violating a patent
 - But it is near impossible to know

Licensing

When the law says "you can't"

- you can have an agreement that lets you

This is a license

License Types

For the internet, these are high-level category:

- no license offered
- under specific contract
- general license with restrictive conditions
- general license with few conditions
- public domain

Open Source

It is worth mentioning the concept of "Open Source"

Code with a general license that allows key permissions

- Copying
- Distribution
- Derivation

Free vs Open

Some licenses work by having a derived work operate under the same terms

- You can use my work in your work
 - but you have to let others use your work

Other licenses are less restrictive

Many licenses are more restrictive

- require attribution
- only for non-commercial work
- etc

Common Licenses

- MIT license and 2-clause BSD license
 - use + redistribution, incl modification
 - selling
- 3 and 4 clause BSD have more restrictions
- GPL (v2 and v3)
- Creative Commons (CC) combine features:
 - BY (attribution)
 - SA (derivatives under same license)
 - ND (no derivatives)
 - NC (non-commercial)
- Many others

Finding usable assets

- Not enough that it is "free"
 - Often these are not from owner!
- We need the license!
- We need to track that for the future
 - "I'm allowed" "Prove it!"

Stock sites

"Stock photos" are produced by big agencies for resale

- Most often a license, not ownership
- Compare **<http://istockphoto.com>** to **<http://unsplash.com>**
 - Can you use host it on a website?
 - Can multiple users see it?

Icons

- **<https://fontawesome.com/>**
- **<https://css.gg>** (interesting!)
- and similar

Warning: This course does not allow SVG+JS icon libraries!

Summary - IP

- Three different areas of IP law
 - Copyright
 - covers expression
 - is automatic
 - Trademarks
 - covers identifiers like name or look
 - requires registration
 - can be lost
 - Patent Law
 - covers implementation
 - has been messy

Summary - Licenses

Licenses allow you to use protected content

- has terms
- Almost all deny liability
- May require share-alike license on your work
- May restrict commercial activities
- May require attribution (credit)

Employer will want to know the license terms!