

Why are we talking about licenses?

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

Because we use other people's code, images, fonts, etc often

- and we need to know the legal rules

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>

Notable protections include

- copying
- distributing
- making derivative works
 - includes translations

Is NOT based on whether you make money from the copy/distribute/derivative.

Copyright is a limited monopoly for the purpose of encouraging creativity.

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

There are rules and reality.

In practice, LOTS of copyright violation just happens

- Other times a lawyer will send a cease-and-desist letter

But when someone considers it important, they can sue

- "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"?

The laws on copyright include a concept called "fair use". Generally this allows 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 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

A lot of the internet age had 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

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!