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Busting The Legal Myths Endangering Your Development Project: The Law Of Software Development

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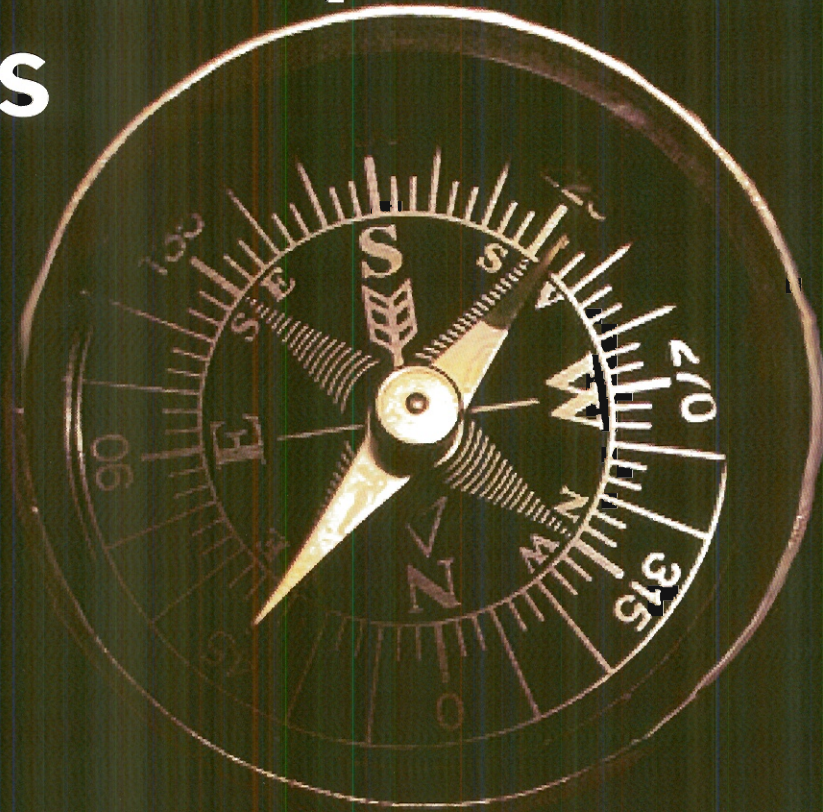
**Development today
requires navigating around
legal pitfalls**



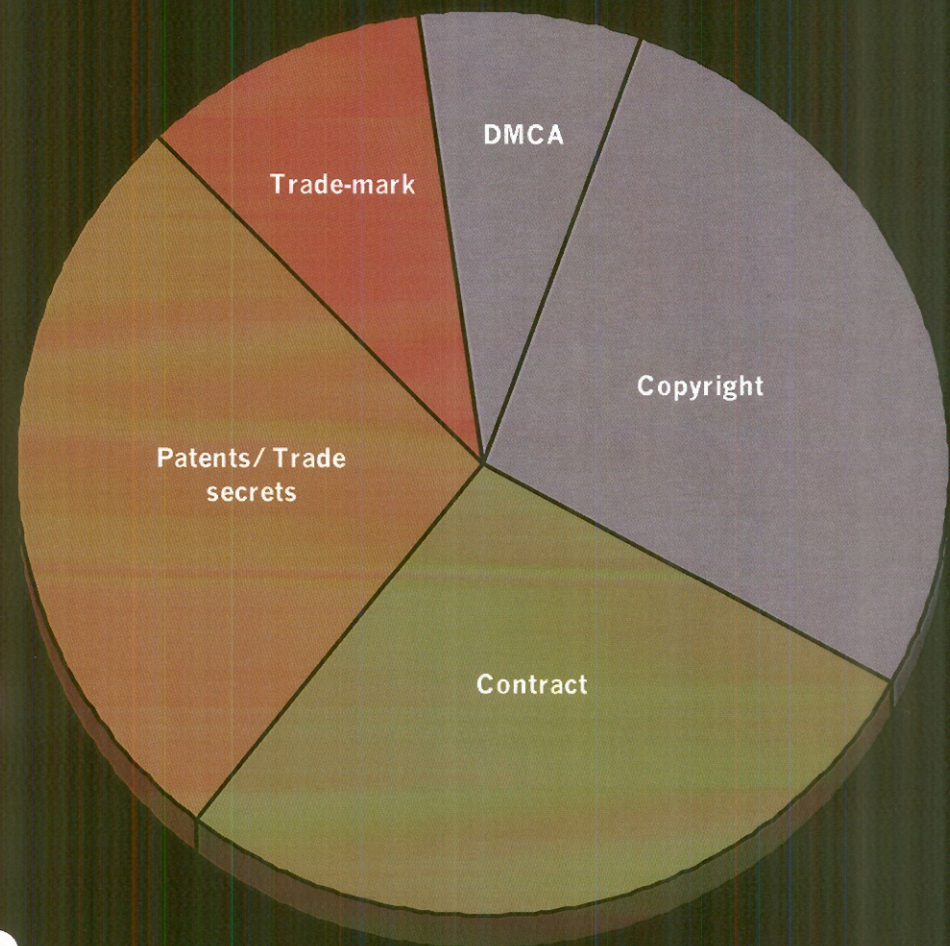
**Misperceptions
of law and
deficient
practices
threaten all
projects**



**Avoid pitfalls by
navigating with
IP-based best practices,
not myths**



Key Laws and Legal Concepts Relevant to Protecting Software IP





Patent

What is covered?

- Functional features of processes, machines, or compositions of matter

What is excluded?

- Purely mental steps, laws of nature

Requirements:

- Novel, useful, non-obvious

Applied to software:

- Ideas, novel functions, methods, algorithms



Copyright

What is covered?

- Works of authorship fixed in tangible medium of expression

What is excluded?

- Ideas, processes, methods of operation

Requirements:

- Original to author, minimal creativity

Applied to software:

- object code, source code, program structure (limited);
GUI (limited)

Copyright infringement

- Unauthorized running/use of product
- Access plus creation of substantially similar work





Key defenses to copyright infringement

- Idea, not expression; method of operation
- Required or common programming practices
- Fair use
- Independent development

Trade Secrets



What is covered?

- Ideas, information, technical data, methods, customer information

What is excluded?

- Information generally known outside a company, reverse engineering of lawfully obtained products and subject to license terms

Requirements:


- Sufficiently secret to give owner competitive advantage, reasonable measures to protect secrecy, misappropriation and use

Applied to software:

- Source code, syntax, architecture, algorithms, manuals, design documents, design dead-ends

Contracts: the trump card?



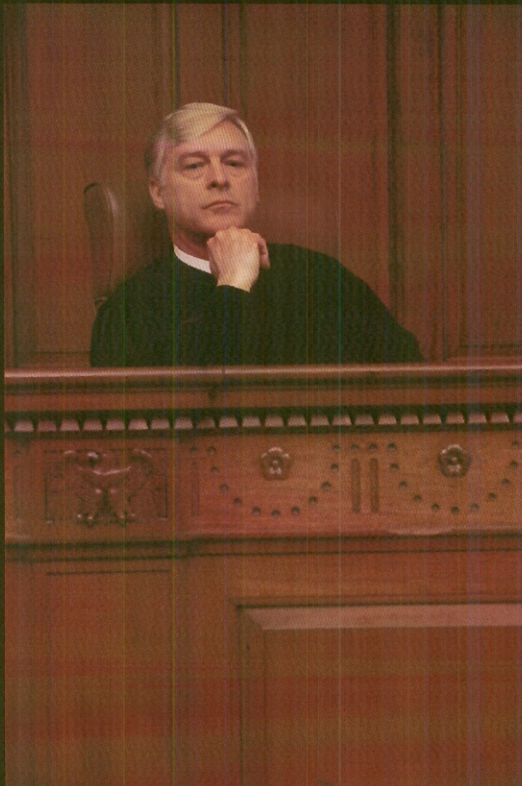


Digital Millennium Copyright Act

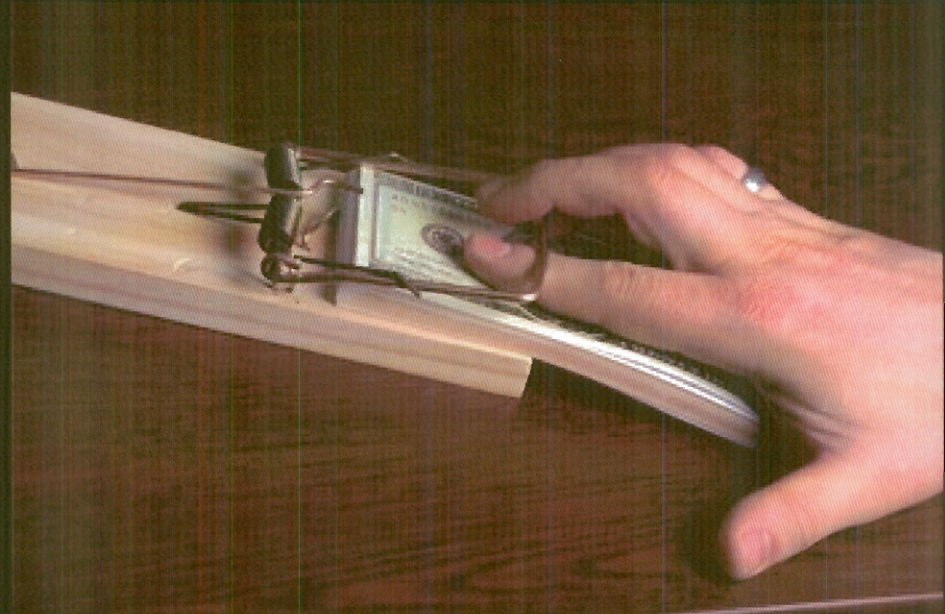
- Cannot circumvent technological lock-out measures protecting copyrighted material
- Reverse-engineering exception for interoperability is narrow

Remedies

- Money
- Injunction (prohibiting development and/or sale)
- Impoundment, destruction
- Criminal measures

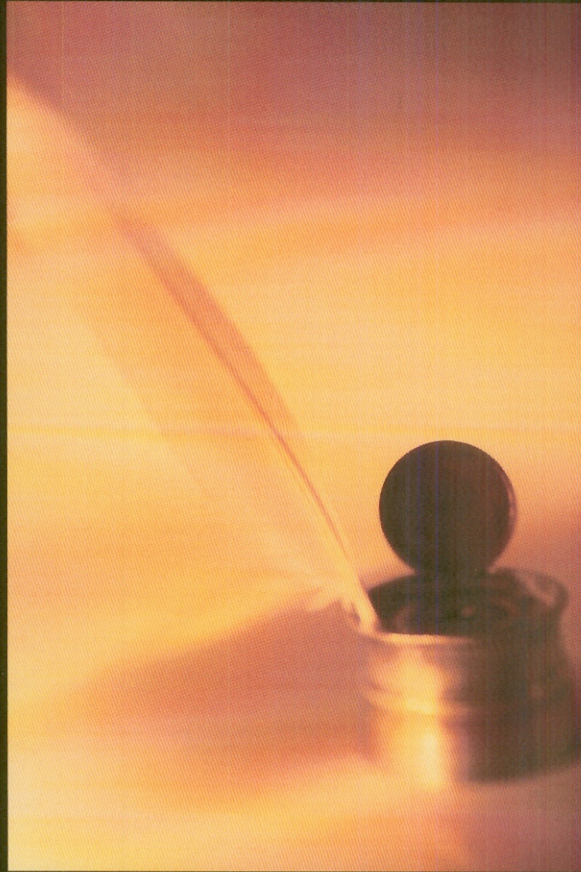


How to avoid misusing IP you don't own



Legal Myths





**If I wrote it,
I own it**