

CS305 - Social, Ethical, and Legal Implications of Computing

- Lecture 3: Intellectual Property -
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The US Legal Framework

- Two sources of law: Congress, Courts
- Two kinds of law: Criminal, Civil
- Trials
- Right to appeal; grounds for appeal

Legal Framework for IP

- Four basic kinds of protection
 - Copyright
 - Patent
 - Trademark
 - Trade Secret
- Many goals for this framework

Copyright

- Covers an expression of a creative work
- Everything since about 1930
- Currently obtained by...creating
- Gives right to
 - Reproduce
 - Prepare derivative works
 - Distribute copies
 - Perform, Display
- Enforced by civil suit (mostly)

(Utility) Patents

- Covers a novel, useful idea
- Last 20 years
- Application process through USPTO
- Right to “practice” idea
- Enforced by civil suit

Trademarks

- Covers a distinguishing mark
- Last as long as in trade use
- Application through USPTO
- Right to use mark (c.f. Lanham Act)
- Enforced by civil suit

Trade Secrets

- Covers a “secret” (probably even if otherwise not protectable)
- Created by not disclosing
- Last as long as the secret stays secret
- Right to prevent employees etc from disclosing the secret
- Enforced by civil suit (mostly)

IP: Ethical and Social Issues

- What goals are served by current IP law?
Consider categories of IP that are currently not protected...
 - When does IP protection inhibit creation?
When does it encourage it?
 - From what ethical framework does a “creator's right” to control “his/her” IP flow? Is it universal?
 - What price is society willing to pay to “protect” IP? Is it technical? Social?

“Open” IP

- Movement for collective creation
- Typically focused around copyright, source code
- Idea: License away individual rights
- Two flavors:
 - Vanilla ala Creative Commons, Open Source
 - “Viral” ala GPL

Free Software

- RMS and the “Four Freedoms”
- The GPL as a legal hack
- Commercial business and the GPL
- Case study: The Linux kernel