

Intellectual Property

CS109: Ethical Foundations of Computer Science

March 26, 2019

Discussion:

Intellectual Property and Software Piracy

Iclicker Question: Consider...

- You're up against a deadline and you've got some tricky code to write. You still have the files from your old company and you remember someone on the team solving this problem. You decide to:
 - A. Use it directly
 - B. Use it but modify it
 - C. Look it over but rewrite it from scratch
 - D. Delete the files

But What If...

- It's your old code from a previous company?

What is Intellectual Property?

- “refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.”
 - World Intellectual Property Organization (WIPO) <<http://www.wipo.int/about-ip/en/>>
- IP can be copyrighted, patented, or trademarked

Copyright versus Patent

- Copyright
 - Provides protection for authors of an original work
 - Literary, pictorial, musical, dramatic works etc
 - Must exist in a tangible form someone outside of you can access (can be published or unpublished)
 - Originally lasted 28 years but now lifetime of creator plus 70 years
- Patent
 - Provides protection for creators of an original idea
 - Novel, useful, non-obvious inventions
 - Patent must be filed with, and approved by, the US Patent and Trademark Office
 - Patent is protected for 20 years from the earliest filing date and must be successfully defended in court

Bumble vs Tinder

- Tinder suing Bumble for stealing two trade secrets and infringing on its “swipe” patent
- Bumble counter-suing Match (Tinder’s parent corporation) for filing the lawsuit to make Bumble unattractive to potential buyers

Spotify and Copyright Infringement

- Spotify being sued for \$1.6B by a music publisher for using songs without licensing or compensation
 - Spotify has paid out to multiple lawsuits in the past
- Spotify's lawyers argue streaming does not constitute reproduction of music and also does not distribute music to listeners
 - Therefore does not require licensing

How Much IP Protection is Good?



Piracy is not a victimless crime.

For more information on how digital theft
harms the economy, please visit

www.iprcenter.gov

Unexpected Consequences?

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- Orphan works issue
 - Work is created on material that degrades before copyright expires
 - Archiving becomes impossible
- Prior artwork not available for modern artists and creators to reimagine
 - The classical music used in older Disney movies would not be useable under modern laws
- Genetic material can be taken from a body, used in research, leading to biotechnical invention that is patented by scientist
- Patent trolling is the act of buying patents to sue creators for developing related technology instead of creating or using patents to sell goods or services
- Patents are mostly held by companies rather than individual inventors or creators

References

- <https://www.copyright.gov/circs/circ01.pdf>
- <https://www.uspto.gov/>
- http://www.wipo.int/wipo_magazine/en/2006/05/article_0008.html
- <https://atp.orangenius.com/how-mickey-mouse-keeps-changing-copyright-law/>
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