

Intellectual Property

Copyrights

Patents

Trademarks

CC Licenses

Fair Use

Domain Names

Intellectual Property

Definition: Rights to use, copy, or reveal information about intangible creative or inventive works.

Copyright

Right to copy literary, dramatic, musical, and artistic works, including computer programs.

Patents

Temporary monopoly granted by the state to inventors to prevent others exploiting their invention.

Confidential Info

Information shared in circumstances that create a legal obligation not to pass it on.

Trademarks

Any sign (words, logos, shapes) that distinguishes goods/services of one business from another.

Copyrights

What is Protected?

Original literary, dramatic, musical & artistic works — including computer programs, preparatory design material, and certain databases.

Owner's Rights

Copy, adapt, distribute, rent/lend, perform, and broadcast the work. Permission is required for all these activities.

Duration

Rights last 70 years after the death of the author (with exceptions).

Infringement Types

Primary: civil breach of exclusive rights (damages, injunctions).

Secondary: commercial context — pirating/using pirated software — may lead to criminal charges.

Permitted Actions

You may: make one backup copy, decompile to fix errors or enable interoperability, and resell your license (but must not retain a copy).

Ownership

Belongs to the author. If employed and created within job scope, copyright goes to the employer (unless written agreement says otherwise).

Patents

Definition: A temporary right granted by the state enabling an inventor to prevent others from exploiting their invention without permission.

Criteria to be Patentable

Novel

Not publicly disclosed before the patent application date.

Inventive Step

Not obvious to someone reasonably competent in the field.

Industrial Use

Must have a practical real-world application.

Not Excluded

Cannot be pure math, software logic, or artistic work.

Patent Benefits

- Monopolise the market
- License to others for royalty income
- After expiry, the invention becomes public

Software Patents

Highly controversial. The US restricts patents on abstract ideas; the EU excludes software applications in their entirety. Some companies use defensive patenting to prevent rivals from blocking them.

Confidential Information & Trademarks

Confidential Information

Definition: Information given in circumstances creating an obligation not to pass it on.

Obligation: Employees have an implicit duty; formalized via NDA (Non-Disclosure Agreement).

Trade Secrets: Novel techniques or ideas (e.g., unique data structures, secret formulas) — protected while kept confidential.

Public Interest: Obligation can be overridden if disclosure involves criminal activity, safety risks, or other qualifying public interest events.

Trademarks

Definition: Any sign (words, designs, shapes, numerals) capable of distinguishing one company's goods from another's.

Purpose: Prevent counterfeit goods; protect brand identity. Countries enforce under GATT agreements.

Software Use: Display trademark when software loads and on packaging. Unauthorised display of a trademark is an offence.

Domain Names: Managed by ICANN. Conflict with trademarks enables 'cyber squatting' registering brand names as domains to sell them back.

Creative Commons Licenses

Definition: A standardized set of licenses allowing creators to grant public usage rights while retaining copyright. Goal: ensure proper credit and encourage sharing.

Four Core Rights (Clauses)



Attribution (BY)

Must credit the original author



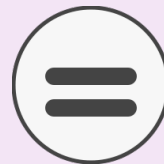
Share-Alike (SA)

Derivatives must use the same license



Non-Commercial (NC)

No commercial use allowed

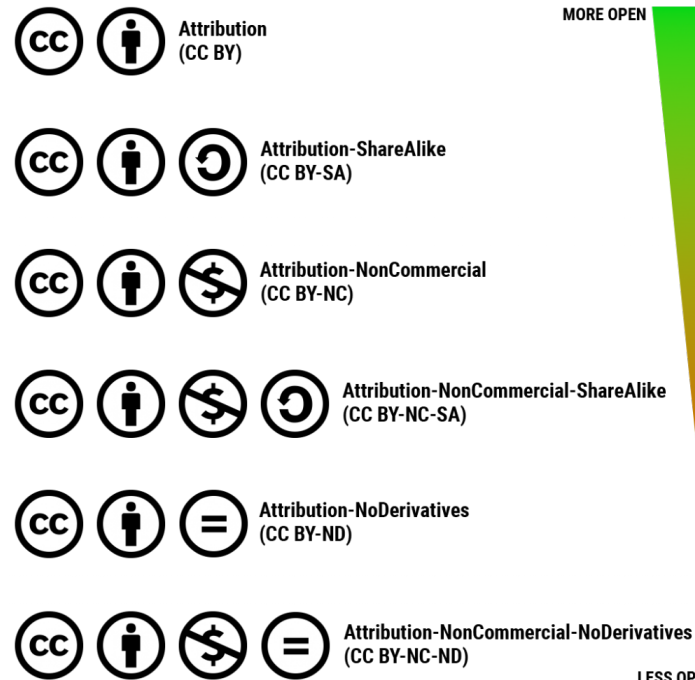


No Derivatives (ND)

No modified versions may be shared

Six Commonly Used Licenses

CC-BY	Copy, remix, commercial ✓ Attribution required
CC-BY-SA	Same as BY + derivatives must share under same license
CC-BY-NC	Non-commercial use only
CC-BY-NC-SA	Non-commercial + ShareAlike
CC-BY-ND	Copy only, no derivative sharing
CC-BY-NC-ND	Most restrictive: copy only, non-commercial, no derivatives



Fair Use Policy

Definition: A legal doctrine permitting unlicensed use of copyright-protected works in certain circumstances (criticism, comment, news, teaching, scholarship, research) without constituting infringement.

Four Factors Courts Consider

1 Purpose & Character

Non-profit educational & transformative uses favour fair use. Commercial uses weigh against it.

2 Nature of the Work

Using factual works is more likely fair use than using creative/fictional works or unpublished material.

3 Amount Used

Small portions lean toward fair use; large portions or the 'heart' of the work lean away — even if brief.

4 Market Effect

If the use displaces sales or harms the current/future market for the original, it is less likely to be fair use.

Domain Names

Definition: Unique internet identifiers originally used to locate computers; now used as business identifiers, company names, and advertising.

ICANN

Internet Corporation for Assigned Names and Numbers - a non-profit body that manages domain names globally, ensuring that each name points to a unique internet location.

Allocation: First come, first served basis — globally unique.

Cyber Squatting

Registering another company's trademark as a domain name, then offering to sell it back at an inflated price. Often, it is cheaper for the trademark owner to pay up than pursue legal action.

Key Takeaways

Copyright

Automatically protects original works (incl. software) for 70 years after death. Covers copying, adapting, distributing, and broadcasting.

Patents

Temporary state-granted monopoly. Requires novelty, inventive step & industrial application. Must be explicitly applied for.

Confidential Info

Information shared under an obligation of confidence. Trade secrets protected via NDA; employees carry skills (not secrets) to new jobs.

Trademarks

Protect brand identity (names, logos, shapes). Prevent counterfeit goods. Display prominently in software loading screens.

CC Licenses

6 standard licenses combining BY/SA/NC/ND rights. CC0 places work in the public domain. All require attribution since v2.0.

Fair Use

Unlicensed use permitted for education, criticism, news & research. Assessed on 4 factors: purpose, nature, amount, market effect.