Intellectual Property
for IT humans.

IP (and all property) does ONE THING...

EXCLUDE!

The right to tell other people to GTFO.

Remember, now that we're in real life:

On the "law" side – you're only dealing with things that someone has chosen to spend a minimum of $500 (and potentially bad press) to go after you on.

On the "social / net / etiquette" side, things are interesting:

Four (basic) kinds of IP

- Copyright
- Patent
- Trademark
- Trade Secret

Trademark

Protects any symbol that identifies your organization.

Use TM first, then get it registered, quickly.

Also – DOMAIN NAME. Watch out.

Patent (theory)

Protects inventions and ideas

Must be:

- Novel (new)

- Non-obvious

- Useful (utility)

  (does something as opposed to means something/is beautiful etc.)

Patent in Practice (re software)

CHAOS AND WAR!

- Difficult to get if you're a little guy

- If you're big they're "easy"--

  (the joke is, just add "on a computer" to anything)

- So, just buy up tons of them and point them at other companies as needed.

- (yeah, a lot of people think this is pretty ugly. e.g. "Patent Trolls")

Patent in Practice (re software)

CHAOS AND WAR!

So, basically:
    You probably won't want/need to get a patent.

    A patent owner coming after YOU is probably a good problem to have, but will be a huge pain in the ass to deal with.

Trade Secret

VERY different from others, in that they are a "SECRET"

Any secret info (or code) that provides an economic advantage...(and since you're in, or about to go to court, LEAKED OUT)

Trade Secret

Not like other IP – protects things that are meant to be secret, not things that are out in public.

Solution?:

NDAs and good people?

(you can imagine how this gets messy. You hire a rockstar from somewhere else, where do the ideas come from?)

Trade Secret

A little more reality:

If you have a brillant idea, and you're making people sign NDAs before even looking at it and/or talking about it

...yeah, you probably don't have a brilliant idea.

Copyright

- "Automatic"

- Not quite forever, but might as well be (75+life)

- Any "expression of an idea"

Copyright (your code)

- Technically automatic

- Probably better ways to protect

- Also, probably no one cares (yet)

- Also, watch where you got your starter code from

Copyright (your code at work)

On one hand, almost CERTAINLY a "work product" and owned by the company.

On the other, developers are pretty aware of the advantages of "open source."

(if not the advantages of Free Software.)

Copyright (other peoples' stuff)

The difference between what I'm supposed to tell you as a lawyer and what's actually going on is MASSIVE.

If you decide to use/copy, carefully consider the motivations/interests of the copy-ee.

Some modern Copyright BS:

There are mofos out there with very serious censoring power who ARENT THE GOV'T..

(and to add insult to injury, they probably got there by engaging in MASSIVE copyright infringement)

(this is where technology, and zero-cost copying, got ahead of the law...)

Please consider how you got all this cool code!

Open source (non-free) – Anyone can use it for anything (and can cut other people off)

Free Software (GPL/MPL) – Anyone can use it for anything, but anything you create AND let someone else use, must be done just as freely.

Google "Eben Moglen" and watch and have your mind blown.