

Software ownership and liability

Intellectual property 智慧財產權

- ▶ **Software ownership**
 - ▶ Copyright: © protect creation/creator (著作權)
 - ▶ Patents: protect invention/inventor (專利)
 - ▶ Trademark: ® protect products or services (商標)
 - ▶ Trade secrets: protect company (商業機密)
- ▶ **Software liability: protect users (軟體使用權)**
 - ▶ Free software (自由軟體)
 - ▶ Open source(開放原始碼) freeware (免費程式) and shareware (分享程式)

Copyright laws 著作權, 版權

- ▶ The owner of a property has the exclusive right to print, distribute, and copy the work, and permission must be obtained by anyone else to reuse the work in these ways
 - ▶ Extended to cover software ownership
 - ▶ Filtration criteria: what is not copyrightable
 - ▶ Features covered by standards
 - ▶ Characteristics dictated by software purpose
 - ▶ Components in the public domain
- ▶ **Fair use** 《中華民國著作權法》第44條至第65條
 - ▶ Ex: 已公開發表之研討會論文集或研究報告
 - ▶ Ex: 以廣播、攝影、錄影、新聞紙、網路為時事報導者



Patents 專利

- ▶ Allows an inventor to benefit commercially from an invention, in exchange for a public disclosure of the invention for a time period
 - ▶ A natural phenomenon, like laws of physics, mathematical formulae, cannot be patented.
 - ▶ Recent exceptions for some algorithms
 - ▶ RSA, one of the public key encryption method
- ▶ **專利申請條件**
 - ▶ 發明必須具有實際使用價值
 - ▶ 發明必須具有進步性
 - ▶ 科學理論、數學方法、植物或動物品種、自然物質的發現、商業方法或醫療方法一般不能獲得專利權。

Trademark

- ▶ A trademark is typically a name, word, phrase, logo, symbol, design, image, or a combination of these elements
 - ▶ 圖形 ® 常用來表示某個商標經過註冊，並受法律保護。
 - ▶ 圖形 ™ 表示某個標誌是作為商標進行使用。
- ▶ Purposes
 - ▶ 使其商品或服務獲得承認和經濟效益,鼓勵創作。
 - ▶ 阻止諸如假冒者之類的不正當競爭者用相同或相似的標記，來推銷低劣或不同的產品或服務。
 - ▶ 商標制度能使有技能、有進取心的人在儘可能公平的條件下，進行商品和服務的生產與銷售。



Trade secrets

- ▶ Any confidential business information which provides an enterprise a competitive edge may be considered a trade secret.
- ▶ Trade secret laws restrict the distribution of ideas
 - ▶ Non-disclosure agreements are legally enforceable



Software liability

- ▶ Limited software liability, usually stated in the software license
 - ▶ EX: To protect against liability, software developers use disclaimers –“In no event will company X be liable for any damages arising out of the use of this software.”



Free software

- ▶ Free software is software that user has the rights (freedom) to access/modify software.
- ▶ The free software foundation was founded by Richard Stallman in 1985.



- ▶ Copyleft: in which anyone can freely reuse a work as long as they in turn do not try to restrict others from using their reuse.
- ▶ Free is for “freedom”, not for “zero charge”.



Open source, freeware, and shareware

- ▶ **Open source:** source code is available to the general public
 - ▶ Free software is one of the open source, but other open source may be with intellectual property law to protect producers.
 - ▶ **Freeware:** software with zero charge.
 - ▶ **Shareware:** software that is provided to users without payment on a trial basis.
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References

- ▶ **Wikipedia**
 - ▶ <http://en.wikipedia.org/wiki/Trademark>
 - ▶ http://en.wikipedia.org/wiki/Intellectual_property_law
 - ▶ <http://en.wikipedia.org/wiki/Copyright>
 - ▶ http://en.wikipedia.org/wiki/Trade_secret
 - ▶ **Free software foundation**
 - ▶ <http://www.gnu.org/philosophy/free-sw.html>
 - ▶ 經濟部智慧財產局
 - ▶ <http://www.tipo.gov.tw/ch/index.aspx>
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