

An Intellectual Property Cheat Sheet

This is not legal advice. Consult a legal professional if you need specific guidance.

Categories of Intellectual Property

- **Copyright:** legal right to make copies in whole or in part of a protected work.
 - Applies to text, recordings, pictures, recordings.
 - In the US, copyright is conferred to creator of a work upon completion of the work (registration is optional), and (generally) expires 70 years after creator's death.
 - **Fair use** exceptions: limited copying allowed for education, criticism, or parody.
 - Applies to source code, intermediate code, assembly code, and machine code.
- **Patent:** legal right to make and sell a useful, novel, nonobvious invention.
 - Applies to machines, designs, processes, materials, plant varieties.
 - Expires after a set period of time (usually 20 years).
 - Products of nature (e.g. naturally occurring genetic code) and building blocks of innovation (e.g. mathematical formulas) cannot be patented.
 - Can apply to unique and novel pieces of software. Does not apply to algorithms.
- **Trade secrets:** legal right for a company to protect secret processes, equipment, projects, and so on, that give them a competitive advantage.
 - The secret must be novel, it must represent an investment on the part of the company, and the company must spend some effort to keep it secret.
 - Custom software, unique algorithms, databases, and other computing technologies can be protected.
- **Other IP categories:** trademarks, trade dress, the "look and feel" of a UI, etc.

Free Software

- **Free software:** distributed under a special type of copyright licence that permits copying, modifying, and redistributing the software. Examples: GNU General Public Licence, MIT Licence, Mozilla Public Licence.
- **Copyleft:** free software and similar licences (e.g. Creative Commons Share-alike) require derivative works to be released under the same or a substantially similar license.
- **Free software vs. Freeware**
 - Freeware is available free of charge (*gratis*, free as in "free beer"). It might still be proprietary (e.g. Apple's iWork suite).
 - Free software is distributed with fewer restrictions on how it can be used, modified, or redistributed (*libre*, free as in "free speech"). It might still cost money.
- **Free software vs. Open-source software or "permissive free software"**
 - Open-source software allows the source code to be copied, redistributed, and changed. *Proprietary derivative works are allowed.*
 - Free software = open-source + copyleft (*derivative works must be free software*).