Early days of computing...

Hardware manufacturers made their own software.

Emergence of standalone/independent software firms.

The Copyright Act of 1976 explicitly recognizes ability to copyright software
- Creative expression is what is protected

Concept of licensing: use not ownership

Case comparison: 
Case comparison: 
**Atari v. N. American Philips, 7th Circuit (1982)**

Fair Use in software copyrights
**Sega v. Accolade, 9th Circuit (1992)**
[http://digital‐law‐online.info/cases/24PQ2D1561.htm](http://digital‐law‐online.info/cases/24PQ2D1561.htm)

Software Patents
1981’s Supreme Court case **Diamond v. Diehr**
- Before this the USPTO refused to grant software patents

Review:
- Business method patents: Amazon’s 1-click and Priceline’s reverse auction
- Patentability of algorithms: Google’s Page Rank

Patent trolls
- No intent to create a product, registration to force others to license their works by claiming patent infringement
- Example: New Technologies Products, a company that doesn’t create but only holds onto patents.
Open Source Software
No restrictions on others selling, giving away or modifying open source software. Some say this approach goes back to the early days of software development.

Could this approach “promote progress”? Page 202
- Fixing of bugs
- Enhancements
- Adaption
Gets rid of “copyright tension”

Open Source Software criticisms
- Poor quality software
- Incompatible updates from individual enhancers
- Weak GUIs
- Not innovative, merely replicate existing work

Creative Commons:
http://creativecommons.org/

Instead of an “All Rights Reserved” system what about a “Some Rights Reserved” system?
Ease of sharing, collaboration
Choosing a license:
- http://creativecommons.org/

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