

Bonus Chapter 2 — Intellectual Property

Intellectual Property

Intellectual Property (IP) is something "(as an idea, invention, or process) that derives from the work of the mind or intellect".¹⁷⁰ You can think of IP as anything we create with our minds.

Copyright, Trademark, and Patent law protect the ownership of these things.

DISCLAIMER: The author of this is not an attorney and in no way is this chapter to be understood as legal advice. If you have additional questions or before making a decision based upon this brief introduction, consult an expert.

Copyright

Copyright is a legal protection "for original works of authorship fixed in a tangible medium of expression".¹⁷¹ This definition covers written works, artistic works, and any recorded expression.

You have legal copyright protection the moment you have typed, written, or recorded the work.

¹⁷²

Patent

Patents protect inventions, new designs, and genetically modified plants.¹⁷³ They typically last a period of 20 years, unless renewed, and protect the work you expended researching and creating a new thing or process. You can't patent a painting and you can't copyright a new device.

Licenses

When one holds a Copyright on a work or a Patent on something, sometimes we need to allow somebody else to use the material. A license is a legal contract that allows an entity to use what you own, within limits, for a payment of some type. When you purchase a DVD, download a song, or install a piece of software you are agreeing to a license from the creator of the content for the price you have paid.

Proprietary Licenses

The licenses you agree to when you purchase software, buy a DVD, and even purchase a car are

170 <https://www.merriam-webster.com/dictionary/intellectual%20property>

171 <https://www.copyright.gov/help/faq/faq-general.html#what>

172 <https://www.copyright.gov/help/faq/faq-general.html#mywork>

173 <https://www.uspto.gov/patents-getting-started/general-information-concerning-patents#heading-2>



typically "proprietary licenses". These licenses are usually restrictive and do not allow you to copy, modify, decrypt, share, sell copies, or loan the Copyrighted material. Next time you load a piece of software, and it displays the "License Agreement", read it. You have agreed to these terms, and they are often very different from company to company.

Restrictive but Open Licenses

There is a class of licenses that many authors use that are much more open than the typical Proprietary License. The Creative Commons has created a group of these licenses that are very widely used.¹⁷⁴ Restrictions may include: you may not re-sell, you may not modify, you may not use commercially and others. Be sure you know what you can legally do, and what you can't.

Open Source Licenses

Copyleft describes a special type of "free" license.¹⁷⁵ Many pieces of software have been released to the world with this type of license. This license basically means that this "code" is free and any modifications you make to it are also "free". You can change someone to write the program but you can not later apply a Proprietary License to it. The GNU General Public License is an example.

The Open Source Initiative is a not-for-profit organization that sets the standard for what is an open source license.¹⁷⁶ On their web site they list dozens of open licenses from multiple entities. An open license still has restrictions about what you can do with the code, in the future.

Material in the Public Domain

Items with an expired and non-renewed copyright are said to be in the Public Domain (PD). They now belong to everybody. You may use, modify, copy, and even sell material that is PD. To be a good citizen, attribute your sources when you use anybody's material.

174 <https://creativecommons.org/>

175 <https://www.gnu.org/copyleft/>

176 <https://opensource.org/>

