References


2. For a discussion of whether there are many or few ways to express certain computer programming ideas, see *IEEE Micro*, Apr. 1984, pp. 69-70 (optimal execution-speed compilation of TMS320 object code from Fortran source code).

3. Probably, more arguments can be made in favor of some degree of protection for noncode aspects of computer programs than can be made against it. But the protection should be more like that for chip layouts under the Semiconductor Chip Protection Act than for books under the Copyright Act. For a more detailed discussion of the problem, and a proposal for protection of instruction sets, algorithms, icons, and other noncode "idea" aspects of software, see the author's paper delivered at the Software Engineering Institute 1986 Spring Symposium, Pittsburgh. It can be found in more fully developed form in the current issue of the *University of Pittsburgh Law Review*, "The Bundle of Rights Suited to New Technology," Vol. 47, p. 1229, 1986.


6. Some states have "unfair competition" or "misappropriation" laws that might be interpreted to protect noncode aspects of software. But there are several problems with this approach. First, not all state laws are amenable. There is a nonuniformity problem for multistate marketing.

Another problem is possible "preemption." The federal copyright law sets aside state laws that are equivalent to copyright law or offer similar protection for subject matter within the general scope of copyright law. Whether or not copyright law will ultimately be held to cover noncode aspects of software, Congress probably has the power to make copyright law apply to them if it so desires. Hence, duplicative or inconsistent state protection of the same general subject matter may well be preempted.


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