Has the law adapted itself to protect software technology today? Will it do so tomorrow? Does the protection system now overreach to the detriment of legitimate competition? Some members of the task force feel that the law is evolving and adapting itself admirably to protect the legitimate interests of creators and users of new technology, including software. Others are more skeptical that the law is capable of accommodating this task without a great deal of supplemental legislation specifically directed to the needs of new technology.

One thing is sure. Technology protection law does not operate in splendid isolation anymore than the remainder of our legal system. Courts, legislatures, and lawyers find yesterday's legal status quo just as eclipsed by the pace of technical advance as does the technician. New realities in a changing world dictate continuing adaptation within the system.

Howard Anawalt teaches computer law and tort law at the University of Santa Clara Law School. His experience includes private practice and service as deputy attorney general and as a legal consultant to the California Legislature.

"The law can protect intellectual effort, but not ideas themselves. It is our job, as lawyers, to show clearly how effort can be protected."

Richard L. Bernacchi is a partner in the firm of Irell and Manella in Los Angeles. He coauthored the book Data Processing Contracts and the Law and specializes in legal aspects of software marketing and acquisition.

"We must guard against allowing the pendulum to swing too far in favor of protection, thereby discouraging creativity and legitimate competition."

John R. Eastling is a lawyer and computer professional. He is president of Liticom Ltd. in San Francisco, which provides litigation support microsystems to law firms.

"However your code bestirs the soul of a machine, copyright it."

Marshall Phelps is managing attorney of IBM Corporation. He has an MS from Stanford Business School (Sloan Fellow) as well as a JD from Cornell Law School.

"The sharp contrast between the enormous costs of development and the ease and low cost of unauthorized copying has created significant interest in software protection."

Richard H. Stern practices high technology law in Washington, DC. He is the author of numerous articles on software and technology protection and has served as chief of the Intellectual Property Section of the United States Justice Department.

"If present computer software protection law works properly in any real case, it does so by pure serendipity."

Daniel W. Vittum, Jr., is a partner in the firm of Kirkland and Ellis, heading their Intellectual Property Department. His litigation experience reaches from video games to large systems.

"Settled principles of law afford computer technologists significant protection for their innovative contribution."

Questions concerning this article should be addressed to John R. Eastling, Liticom Ltd., 3000 Ferry Bldg., San Francisco, CA 94111.

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