1. Introduction

Increasingly the practice of computing involves legal issues. Patenting algorithms, domain name poaching, downloading MP3 files, and "re-using" HTML and graphics from web sites all raise questions in the domain of intellectual property law (which includes patents, copyrights, trade secrets, and trademarks). In the classroom, computer science educators often confront questions that have legal ramifications.

To many computer scientists, the legal system seems arbitrary and impenetrable, just as software development is obscure to many lawyers. But each discipline has its own axioms and goals, its own culture and approach to solving problems. Moreover, each discipline has been largely successful in meeting its goals, despite such problems as frivolous, costly lawsuits on one side and unstable, bloated software on the other.

The goal of this seminar is to give software engineering faculty a framework for answering students' questions and debunking the most egregious misconceptions about intellectual property issues. We will conclude with an opportunity for participants to share strategies for covering legal issues in the classroom.

2. Outline of topics

The workshop will address the following topics:

- Sources of law: state and federal, legislation and court decisions, what it means to have a legal "cause of action."
- The different cultures of computing and law: different time scales, different criteria for "elegant" solutions, different approaches to ambiguity.
- The breadth of computer law: intellectual property, contracting, liability for malfunction, privacy, computer crime, transborder data flow, antitrust.
- Categories of intellectual property law: patent, copyright, trade secret, trademark.
- Comparing patents and copyrights: same constitutional mandate and underlying policy, different scope of protection and cost to obtain.
- Copyright particulars: notice and registration, author's exclusive rights, actions that infringe, exceptions and defenses (fair use, public domain, external constraints). Problems with copyrights for software.
- Trade secrets: basis in confidentiality and promoting fair business dealings, actions necessary to maintain trade secrets.
- Trademarks: obtaining protection, nature of infringements (particularly with domain names on the World-Wide Web).
- Strategies for addressing computer law issues in the software engineering curriculum.