

Introduction to Computer Law CS4984

Ross Dannenberg

Rdannenberg@bannerwitcoff.com

(202) 824-3153

Intro
Lecture

1



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

Why are we here?

- “It was on the Internet so it must be free...”
- “Kazaa didn’t make me pay for it...”
- McSleep Inn?
- It’s ok, it’s open source! (uh-oh)
- The FBI called
- \$\$\$???



Introduction to Computer Law

2



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

These People Care About IP

(As of August 5, 2003)

- Oracle
 - 413 patents
- Microsoft
 - 2,726 patents
- Sun Microsystems
 - 3,369 patents
- IBM
 - 34,404 patents
- Intel
 - 6,951 patents
- Toshiba
 - 19,619 patents
- Pfizer
 - 2,791 patents
- **Virginia Tech!**
 - 56 Patents



Internet Success Story 1: Christopher Klaus

Technology's 100 Wealthiest

Suzie Amer, 10.05.98

NEW YORK - **51 Christopher Klaus - Founder/CTO** This whiz kid played with supercomputers in high school before starting ISS, the Internet security software vendor of choice. He modeled ISS's products after shareware he developed as a student at Georgia Tech (he dropped out). He owns 26% of his company, which went public in 1998. Klaus is also the youngest member of this year's list.

Internet Security Sys

AGE **25**

LOCATION **Atlanta, GA**

HOLDINGS **4.3M**

INDUSTRY **Internet**

ESTIMATED WEALTH **\$187.5M**

Source: <http://www.Forbes.com/asap/1998/1005/51.html>



Internet Success Story 2: Robert Silvers



CS 4984 – Topics

- Internet, Software, Computers and the Law
 - Intellectual Property Protection
 - Internet
 - Open Source Agreements (e.g., GNU Pub. Lic.)
 - Computer Crimes
 - Business Issues
 - Anything else?



The Law - Statutory Laws

- Supremacy Clause, U.S. Const., Article VI
 - “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.”



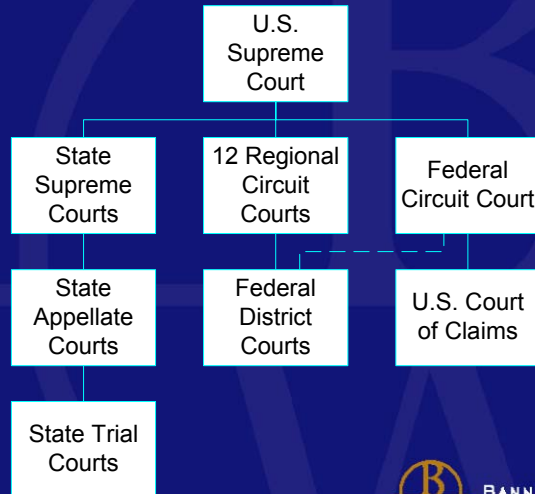
State Laws

- U.S. Const., 10th Amendment:
 - The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



The Law – Judicial

(Common) Law



How do you protect software?

- Copyrights
- Patents
- Trademarks
- Trade Secrets
- Contract
- Technology (encryption)



U.S. Constitution, Art. I, § 8



Congress shall have power ... to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries



Assignment 1: Case Briefs

- Sections
 - Case Name/Roles
 - Procedural Background
 - Facts
 - Legal Issue
 - Decision/Holding
 - Reasoning
 - Disposition
- Instructions and cases are posted on the web site.
- Due: email to me PRIOR to next class



Assignment 2: “On-Deck”



Cases for Next Time

- Feist Publications Inc. v. Rural Telephone Service Co. Inc., 18 USPQ2d 1275 (1991).
- Apple Computer, Inc. v. Franklin Computer Corp., 714 F.2d 1240 (3rd Cir. 1983).
- Lotus Development Corp. v. Borland Int'l Inc., 49 F.3d 807 (1st Cir. 1995)
- RIAA v. Diamond Multimedia Systems, Inc., 180 F.3d 1072 (9th Cir. 1999)
- Universal City Studios, Inc. v. Remerdes, 111 F.Supp.2d 294 (S.D.N.Y. 2000)
- Sega Enterprises v. Accolade, 977 F.2d 1510 (9th Cir. 1992)
- UMG Recordings, Inc. v. MP3.com, 92 F.Supp.2d 349 (S.D.N.Y. 2000)
- NEC Corp. v. Intel Corp., 10 USPQ2d 1177, 1989 WL 67434 (N.D. Cal. 1989)
- Kelly v. Arriba Soft Corp., 77 F.Supp.2d 1116 (C.D. Cal. 1999)

Everything is on the website: <http://courses.cs.vt.edu/~cs4984/computerlaw/>

