



Coding Wars – protecting your intellectual property

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The IP framework

- Patents and designs
- Copyright
- Confidentiality – common law and contract
- General contract
- General trade practices, or consumer law

Patents (and designs)

- Best protection, but
- High threshold, expensive, time-consuming, jurisdictional problems
- Detailed analysis of the state of the art at the relevant time
- Litigation can be powerful business weapon (e.g. *Apple v Samsung*)
- Application to the mobile phone app.

Copyright

- Originality, authorship, territorial nexus
- Ownership and assignment, licensing
- Employment relationship vs independent contractor

Confidentiality

- Information has a confidential nature
- Recipient understood confidentiality and breached
- Discloser suffers loss
- Almost always backed up by contract, but
- May be relevant in departing salesman scenario
- Practical tips for the pitch scenario
- Application in the database situation

service providers

...having a contract that covers IP ownership

employees

...in the course of employment

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