1-1-1992


James E. Duggan

Follow this and additional works at: https://repository.uchastings.edu/hastings_comm_ent_law_journal

Part of the Communications Law Commons, Entertainment, Arts, and Sports Law Commons, and the Intellectual Property Law Commons

Recommended Citation


Available at: https://repository.uchastings.edu/hastings_comm_ent_law_journal/vol15/iss1/6

This Note is brought to you for free and open access by the Law Journals at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Communications and Entertainment Law Journal by an authorized editor of UC Hastings Scholarship Repository.

by
JAMES E. DUGGAN*

Table of Contents

Author's Notes ................................................. 213
I. Books .................................................... 215
II. Periodicals ............................................. 232
III. Annotated Law Reports Annotations ....................... 233
IV. Law Review Symposia .................................... 234
V. Law Review Articles ...................................... 236
     A. Legal ................................................ 236
        1. In General ....................................... 236
        2. Antitrust Aspects ............................... 243
        3. Bibliography ..................................... 244
        4. Bulletin Boards ................................ 244
        5. Comparative Law ................................ 244
        6. Computer Programs .............................. 244
        7. Criminal Aspects ............................... 245
        8. Government ....................................... 245
        9. Laws ............................................. 246
       10. License ......................................... 246
       11. Piracy ........................................... 248
       12. Security Interests ............................... 248
       13. Trial Practice .................................. 249
       14. Video Games ..................................... 250
       15. Miscellaneous .................................... 250
     B. Copyright ........................................... 250
        1. In General ....................................... 250
        2. Antitrust Aspects ............................... 253

* Computer Services Librarian and Assistant Professor, Southern Illinois University School of Law Library. B.A., 1983, Virginia Polytechnic Institute and State University; J.D., 1986, University of Mississippi; M.L.I.S., 1987, Louisiana State University. The author gratefully acknowledges the assistance of Pamela Graham and Jeff Dash in the preparation of this bibliography.
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Arbitration</td>
<td>254</td>
</tr>
<tr>
<td>4.</td>
<td>Artificial Intelligence</td>
<td>254</td>
</tr>
<tr>
<td>5.</td>
<td>Bibliography</td>
<td>255</td>
</tr>
<tr>
<td>6.</td>
<td>Chip Act</td>
<td>255</td>
</tr>
<tr>
<td>7.</td>
<td>Comparative Laws</td>
<td>256</td>
</tr>
<tr>
<td>8.</td>
<td>Computer Created Works</td>
<td>257</td>
</tr>
<tr>
<td>9.</td>
<td>Computer Programs</td>
<td>257</td>
</tr>
<tr>
<td>10.</td>
<td>Copying Policies</td>
<td>261</td>
</tr>
<tr>
<td>11.</td>
<td>Copyright Office</td>
<td>261</td>
</tr>
<tr>
<td>12.</td>
<td>Databases</td>
<td>261</td>
</tr>
<tr>
<td>13.</td>
<td>Dependent Works</td>
<td>265</td>
</tr>
<tr>
<td>14.</td>
<td>Display Screens</td>
<td>265</td>
</tr>
<tr>
<td>15.</td>
<td>Economic Aspects</td>
<td>266</td>
</tr>
<tr>
<td>16.</td>
<td>Idea/Expression</td>
<td>266</td>
</tr>
<tr>
<td>17.</td>
<td>Infringement</td>
<td>268</td>
</tr>
<tr>
<td>18.</td>
<td>Laws</td>
<td>270</td>
</tr>
<tr>
<td>19.</td>
<td>Look and Feel</td>
<td>272</td>
</tr>
<tr>
<td>20.</td>
<td>Microcode</td>
<td>274</td>
</tr>
<tr>
<td>21.</td>
<td>Network</td>
<td>275</td>
</tr>
<tr>
<td>22.</td>
<td>Object Code</td>
<td>276</td>
</tr>
<tr>
<td>23.</td>
<td>Piracy</td>
<td>278</td>
</tr>
<tr>
<td>24.</td>
<td>Reverse Engineering</td>
<td>279</td>
</tr>
<tr>
<td>25.</td>
<td>User Interfaces</td>
<td>279</td>
</tr>
<tr>
<td>26.</td>
<td>Video Games</td>
<td>281</td>
</tr>
<tr>
<td>27.</td>
<td>Work Made For Hire</td>
<td>283</td>
</tr>
<tr>
<td>28.</td>
<td>Miscellaneous</td>
<td>285</td>
</tr>
<tr>
<td>C.</td>
<td>Patent</td>
<td>285</td>
</tr>
<tr>
<td>1.</td>
<td>In General</td>
<td>285</td>
</tr>
<tr>
<td>2.</td>
<td>Algorithms</td>
<td>288</td>
</tr>
<tr>
<td>3.</td>
<td>Artificial Intelligence</td>
<td>290</td>
</tr>
<tr>
<td>4.</td>
<td>Comparative Law</td>
<td>290</td>
</tr>
<tr>
<td>5.</td>
<td>Computer Program</td>
<td>290</td>
</tr>
<tr>
<td>6.</td>
<td>Economic Aspects</td>
<td>292</td>
</tr>
<tr>
<td>7.</td>
<td>Infringement</td>
<td>292</td>
</tr>
<tr>
<td>8.</td>
<td>Object Code</td>
<td>292</td>
</tr>
<tr>
<td>9.</td>
<td>Patent Office</td>
<td>292</td>
</tr>
<tr>
<td>10.</td>
<td>Related Inventions</td>
<td>293</td>
</tr>
<tr>
<td>11.</td>
<td>Trial Practice</td>
<td>293</td>
</tr>
<tr>
<td>D.</td>
<td>Trade Secret</td>
<td>293</td>
</tr>
<tr>
<td>E.</td>
<td>Trademark</td>
<td>295</td>
</tr>
</tbody>
</table>
Author's Notes

Legal protection of computer programs has been a major topic of discussion in the intellectual property subject area since the early 1980s. Several significant law-related developments contributed to the growing interest in the subject, an interest which shows no sign of subsiding as computer programs continue to grow in importance in the 1990s and beyond. Congress extended federal copyright protection to computer programs in 1980 by amending the Copyright Act of 1976.\(^1\) Congress also revised copyright law by implementing provisions of the Berne Convention in the Berne Convention Implementation Act of 1988.\(^2\) Several cases also helped formulate protection standards: *Diamond v. Diehr*\(^3\) (patents); *Whelan Associates, Inc. v. Jaslow Dental Laboratory, Inc.*\(^4\) (copyright); and *NEC Corp. v. Intel Corp.*\(^5\) (microcode).

This bibliography covers those law-related materials which examine the subjects of computer software copyrightability, patentability, and other forms of legal protection, as well as general legal protection for all types of computer programs. The bibliography specifically excludes materials with a foreign or international focus. Materials published through June 1992 are included.\(^6\)

The following are a few suggestions\(^7\) that may clarify the arrangement and use of this bibliography:

Books are arranged alphabetically by author or editor, or if none, by title. Each entry includes a brief annotation or description of the book's contents.

The periodicals section is a list of journals and newsletters that regularly include articles on legal protection for computer programs.

ALR Annotations are arranged alphabetically by title of the annotation.

Law Review Symposia are arranged alphabetically by title of the symposium, and each entry includes the names and authors of the vari-

---

6. Because I have only included those citations which have been personally verified (and thus some unavailable books and law journal citations are not listed), no claim of comprehensiveness is made.
ous articles the entry contains. These articles are also included individually within the Law Review Articles section of the Bibliography.

Law Review Articles are assigned to subject headings principally by the article’s focus. Those articles which cover a wide spectrum of protection forms for computer programs are assigned to the “Legal—General” subheading. The topic of Miscellaneous was used for those items that did not easily fit within one of the designated categories. Also, the difficulty of accurately and consistently assigning subject headings to this number of works suggests that the reader should check alternate headings to insure that everything of potential relevance is located. The table of contents should be consulted to gain familiarity with the subject headings and cross-references used to arrange these materials.

James E. Duggan

Carbondale, Illinois
I

Books

Bernacchi, Richard L., Peter B. Frank, and Norman Statland. *Bernacchi on Computer Law: A Guide to the Legal Aspects of Computer Technology*. Boston, MA: Little, Brown and Company, 1986. 2 v. This looseleaf treatise examines the relationships of authors, vendors and participants in the attempt to bring computer-based ideas to the marketplace. Among other areas, the book explores the legal and practical aspects of managing information systems and technology; developing, protecting, and marketing high technology products; and taxation aspects. INCLUDES: Basic Legal and Technical Issues; Patents; Copyright; Trade Secrets; Mask Works; Trademarks and Service Marks; Custom Software.


INCLUDES: Proprietary Protection of Software, Hardware, and Data (M. Jacobs); Infringement of Program Copyrights (R. Lawlor).


INCLUDES: The Computer and the Chip; Software and Programming; Software Security, a Commercial and Technical Approach; Patent Protection; Copyright Protection; Sui Generis Protection and Other Proposals; Infringers, Infringement and Detection; Recommendations.


INCLUDES: Learning from the Past; The Business of Writing Software; *Apple v. Franklin*; The Art of Programming; Writing for Computers; Programming Languages: The SAS Case; Programming Structures: The Synercom Case; Programming Flow; Program Logic and Other Elements of Expression; *Whelan v. Jaslow*; The Range of Programming Expression; *NEC v. Intel*; Bright Lines and Gray Areas: The Frybarger Case; The “Dissemination” Argument:
Broderbund \textit{v.} Unison World; Clean Rooms and Fright Wigs: The Plains Cotton Case and Some Principles for Software Clones; Rights of Copyright Owners: The Softklone Case; \textit{IBM \textit{v.} Fujitsu}; An Introduction to Compatibility; Compatibility Demons: \textit{Johnson \textit{v.} Uniden} and Further Principles for Software Clones; The “Look and Feel” Cases; Into the Corrida.

This course handbook was prepared for distribution at the Computer Law Institute held by the Practising Law Institute in New York, New York, November 3-5, 1983. INCLUDES: Object Code in ROM: Is It Really a Problem? (D. Brooks); Computer Software: Current Developments in Copyright Law and at the Copyright Office (M. Kepliger); Registration with the Copyright Office (M. Peters); Copyright and Computers: Software, Databases and Chips (J. Baumgarten).

This course handbook was prepared for distribution at the Computer Law Institute held by the Practising Law Institute in New York, New York, October 16-18, 1985. INCLUDES: Registration of Computer Programs, Databases, and Protection and Registration for Mask Works Fixed in Semi-Conductor Chip Products (M. Peters); The Role of the Expert in Software Infringement Cases (J. Conley, D. Peterson, L. Deimel); Special Problems with Computer Use of Copyrighted Works: What Does Section 117 Really Mean (J. Baumgarten).

This course handbook was prepared for distribution at the Computer Law Institute held by the Practising Law Institute in New York, New York, September 18-20, 1986. INCLUDES: Recent Decisions in Computer Law (Copyright, pp. 225-236) (L. Schwartzstein); Special Problems in “Look and Feel” Copyright Cases (G. Davis); Reverse-Engineering Computer Software: Is It Fair Use or Plagiarism? (D. Brooks); Current Developments Concerning the Registration of Computer Programs and Databases (M. Peters).


Course handbook prepared for distribution at the Computer Software: Protection and Marketing program held by the Practising
Law Institute in July, 1989. Volume 1 INCLUDES: Copyright Protection for Computer Software: A Summary of Authorities (M. Goldberg); Current Judicial Developments in Copyright Protection for Computer Software (L. Abraham, S. Wessels); Compilations and Data Base (A. Levine); Registration of Computer Programs, Computer Related Works, and Automated Databases (M. Peters); Intellectual Property Protection for Computer Software (M. Keplinger). Volume 2 INCLUDES: Patent Protection of Software (D. Bender); Reverse Engineering of Software (D. Davidson); Protection of Software and Other Trade Secrets: Litigation Strategies (C. Ortner); Court, Customs, and ITC Procedures for Protection of Computer Hardware and Software Intellectual Property (J. Pegram); Trademark Protection for Computer Software (V. Devitt).


This book includes practical software legal protection advice for software developers and marketers and their attorneys. INCLUDES: Intellectual Property; Software; Trade Secrets and Software; Establishing an Internal Trade Secret Program; Copyright and Software; Notice and Public Domain; Registration and Deposit; Works Made for Hire; Infringement and Remedies; Local Area Networks and Copyright Infringement; Patents; Trademarks and Trade Names; Mask Works; Contracting Principles; Licensing Software to Users.


The course handbook was prepared for distribution at the Current Developments in Computer Software Protection program held in New York, New York, June 17, 1991. INCLUDES: Copyright Protection for Computer Software: A Summary of Authorities with an Emphasis on Current Judicial Developments (M. Goldberg); Copyright Protection of Compilations (A. Levine); Registration of Computer Programs, Computer Related Works and Automated Databases and Recordation of Documents, Including Transfers (M. Peters); Software Patents: The View from 1991 (D. Bender).


Presents legal strategies to use when buying and selling computer hardware and software. INCLUDES: Protecting Technology: Trade Secrets; Copyright, Patent, Self-Help Techniques; Appendix: Trade Secret Program.

The book is intended to assist anyone concerned with software protection, including software developers, software publishers, industry executives, and lawyers working in the software industry. INCLUDES: Introduction—A Magnetic Image in Time; What is This Thing Called "Software"?; Who Owns Ideas and Other Intellectual Property; How to Protect Software as a Trade Secret; The Basics of Copyright Law; Copyright Registration and Deposits; The Rules for Copyrighting Video Games; Unresolved Problems with Copyrights and Software; Patent Protection for Computer Software; Trademarks as a Form of Software Protection; Why Software is Licensed and Not Sold; Software Warranties and Limiting Liability; Dealing with the Government: Licenses and Contracts for Software Acquisition; Dealing with the Government: Export Controls on Computers and Computer Software; International Aspects of Software Protection; Sales Taxes and Local Taxes on Software; Income Tax Aspects of Software; Copyright Infringement Remedies; The Future Course of Software Protection; Selecting a Lawyer for Your Software Business; Glossary of Computer Terms; Appendix: Selected Bibliography.

Compendium of conference articles and handouts. INCLUDES: Copyright and Electronic Publishing (J. Baumgarten); Copyright and Computer Software (Including Data Bases and Chip Technology) (J. Baumgarten); Update on Software Publishers and Semiconductor Chip Legislation (J. Baumgarten, W. Patry).

This is an introductory book on computer law for computer users, computer vendors, and attorneys. Certain cases and statutes are discussed in detail. INCLUDES: Software License Agreements; Protecting Your Ideas and Programs; Computer Software Protection; Copying Programs; Registering Your Copyright; Works for Hire; Trademarks; Patents; Semiconductor Chip Protection Act; Trade Secrets; Employment and Contractor Agreements; International Software Protection; Software Litigation; Software Development and Distribution.

Compilation of institute articles and conference papers. INCLUDES: Copyright and Computer Software, Data Bases and Chip Technology (J. Baumgarten); Copyright Protection for Computer Programs, Data Bases, and Related Works (M. Goldberg); Copyright, Computers and Competition (K. Liebman).


This book discusses the development of computer copyright law in the United States and Australia, with an additional emphasis on questions that will develop if the law in Australia continues to follow the law in the United States. INCLUDES: Computers, Software, and Copyright: Background, Issues and Scope; Development and Present Position of Program Copyright; Problems of Computer Program Copyright; Copyright and Information Technology.


INCLUDES: Decompilation and Disassembly: Undoing Software Protection (A. Grogan); Protection of Trade Secrets in Object Form Software: The Case for Reverse Engineering (R. Laurie, S. Everett); The Proprietary Rights Pyramid: An Integrated Approach to Copyright and Trade Secret Protection for Software (M. Gilburne); Ownership of Copyright and Other Proprietary Rights in Software by Employees and Independent Contractors (A. Grogan); Battling Foreign High Technology Counterfeits Through U.S. Customs Enforcement (J. Blatt); The Broader Meanings of Apple v. Franklin in the Development of Compatible Operating Systems and in Determining Standards for Injunctive Relief (A. Grogan, M. Kump); Toward a Comprehensive Test for Software Copyright Infringement (G. Reback, D. Siegel).


Self-help guide for engineers wishing to protect their inventions, including computer software. INCLUDES: Introduction; Copyrights; Patents; Trade Secrets; Trademarks; Trade Names and Fictitious Names.


INCLUDES: 2) The Subject Matter of Copyright (including Copyrightability of Computer Materials).

This book is intended to familiarize the reader with various software protection options in the UK, although commentary on U.S. laws is included. INCLUDES: Legal Protection: Patents, Copyright and Trade Marks (R. Hart); Licensing Issues (J. Cartwright).

Two volume looseleaf manual on computer law with current topical and case developments. INCLUDES: Copyright; Patent; Trade Secrets; Trademarks; Semiconductor Chip Protection.

The book is a reference source for computer users designed to “assist them in avoiding legal problems before they occur and solving them when they do occur.” INCLUDES: An Overview of Contract Law; Buying a Computer; Renting and Leasing Computers; Buying Packaged Software; Contracting for Customized Software; Ownership of Software; Methods of Protecting Software Ownership Rights; Legal Aspects of Marketing Software. Appendix includes various sample software agreements.


Harris, Thorne D. III. The Legal Guide to Computer Software Protection: A Practical Handbook on Copyrights, Trademarks, Publishing,
This book is a practical computer law guide designed for computer users, programmers, software publishers, business people, and non-specialist attorneys. Instructions and sample copyright and trademark forms are included. INCLUDES: Anatomy of a Computer—Some Basic Terminology; Defining Intellectual Property and the Rights to It; The Different Methods of Protecting Intellectual Property; How Computer Programs Fit Into the Picture; Copyright—An Overview; What Can Be Copyrighted; Expressions, Not Ideas, Are Copyrightable; The Difference Between Copyright and Registration; Rights of a Copyright Owner—An Overview; Limitations on Copyright Protection; Protection for Visual Displays; Works for Hire; Transfers of Copyright; How to Keep from Losing a Copyright; Copyright Infringement; Do-It-Yourself Copyright Registration; Completing Other Registration Forms; Trademarks and Trade Names; Patents; Trade Secrets; Software Publishing Contracts; Specimen Software Sale Agreement; Licensing Agreement; Nondisclosure Agreements; Warranties, Disclaimers, and Limitations; How to Choose a Computer Lawyer; A Little Philosophy.

Written from the copyright owner perspective, this looseleaf service discusses considerations involved in the copyright application process. INCLUDES: Computer Related Applications; Semiconductor Chip Mask Work Applications.

The goal of this book is to describe the copyright law which protects the production of instructional software. INCLUDES: Introduction; The Problem of Quality in Educational Software; The Problem of Copyright Violation (Piracy); Legal Principles for Applying Copyright Law to Computer Software in the Schools; Controlling Piracy in the Schools; Instructional Software in the Schools: Keeping the School Market Alive. Appendices.

General attorney guide to copyright. INCLUDES: Semiconductor Chip Products.

This five volume set presents a selection of public documents published during the effort to revise American copyright law that occurred between 1955 and 1976. Volume I, "The Formative Years,


INCLUDES: Legal Approaches to Software Protection: Federal Protection of Proprietary Rights (J. Baumgarten); Legal and Managerial Approaches to Intrusion Protection (S. Nycum, D. Appelman); Summary and Conclusions (F. Huband).

Prepared by the Office of Technology Assessment, this report discusses the effect of recent advances in communication and information technologies on the intellectual property system. INCLUDES: Conceptual Framework for Analyzing Intellectual Property Issues Rights; Intellectual Property Goals in a Changing Information Environment; The Accommodation of Intellectual Property Law to Technological Change; Impact of Technology on Enforcement of


Book explores "problems arising from dynamic information technology . . . in its application to intellectual property rights." INCLUDES: Developments in Economic Theory and Trade Concerning Intellectual Property; Intellectual Property in the GATT Framework; The Legal Framework as it Exists in Various Countries; Changing Technologies and Intellectual Property; Conclusion.


This looseleaf set addresses a wide range of legal issues affecting software. Citations to case and statutory law are included. INCLUDES: Introduction to Computer Software; Copyrights; Patent Protection of Software; Trade Secret Protection of Software; Trademark Protection of Software; Acquiring Software for Redistribution; Considerations of Custom Software Development Contracts; Software Licensing; Proprietary Information Deposit; International Licensing and Sale of Software; Protection for Digitized Type Fonts. Appendices include forms, agreements, reports, jury instructions, and other trial preparation documents.


This book discusses the Semiconductor Chip Act of 1984, including its scope of protection and legislative history. INCLUDES: Introduction; Overview of the Act; Issues Raised by the Act: Protection of Non-U.S. Mask Works; Relationship of Chip Act to Other U.S. Intellectual Property Laws; Registration, Deposit and Mask Work Notice; Standards of Originality and Creativity; Reverse Engineering Limitation on Exclusive Mask Work Rights. Appendices include text of act and other guidelines.


This book is a software writer's user's manual. It is intended to make software writers familiar with the legal aspects of their field. INCLUDES: Source Code: The Nature of American Law; Source Data
on the Software Business; The Symbolic Nature of Modern Programming; Source Data on the Patentability of Code; Source Data on the Copyrightability of Code; Source Data on Trade Secrecy Protection of Code; Source Data on Trademark Law; Source Data on Tort Law; Source Data on Warranty Liability of Software Writers, Software Producers, and Software Distributors; Source Data: Products Liability Risk of Software Writing; Source Data on Contract Law; Source Code: Software and the Information Society.


censing and litigation considerations); Contracts; Legal Tips for the Software Entrepreneur; The Betamax Case.

Although this is an introduction to British intellectual property principles as they relate to computer programs, this book does include a chapter on "Protection Overseas."

INCLUDES: Copyright and Computer Technology; Patent Law: Software and Systems; Trade Secrets and Confidentiality; Research, Development, and Ownership; Technology Licensing; Computer Contracts: Leases and Sales Agreements; Computer-Related Torts; International Trade Considerations; Computer Crime; The Electronic Transaction Environment; Electronic Publishing and Data Communications; Computer Privacy and Data Disclosure.

This book is a practical computer contract guide written primarily for the benefit of small businesses utilizing computers, small computer businesses, and attorneys advising such businesses. INCLUDES: Protection of Computer Products: General Concepts; Protection of Software.

Conference materials derived from institute faculty contributions (F. Cooper, D. McCrae, W. Sapronov). INCLUDES: Intellectual Property; Software; Trade Secrets and Software; Establishing an Internal Trade Secret Program; Copyright and Software; Infringement and Remedies; Notice and Public Domain; Registration and Deposit; Copyright Ownership and Works Made for Hire; Local Area Networks and Copyright Infringement; Patents; Trademarks and Trade Names; Mask Works; Contracting to Limit Liability.

This two book set book provides legislative history documents for the Semiconductor Chip Act of 1984, including House and Senate reports, hearings, and reprinted pages from Congressional Record and
Federal Register. A brief bibliography of relevant readings in legal periodicals is also provided.

Aimed at software writers, developers and publishers, the book discusses the laws relating to computer software development, protection, and marketing. INCLUDES: Introduction and Overview; Trade Secrets; Copyright Protection; Introduction to Contracts; Contracts—Nuts and Bolts; Work-for-hire Agreements and Outright Assignments; Evaluation and Beta Test Agreements; License Agreements; Trademarks; Patents; Limiting Liability; Remedies; International Software Law; Appendices (sample agreement forms).

INCLUDES: Introduction to Software Transactions; Software Development Agreements; Software Marketing and Distribution Agreements; End-User Agreements; Service Bureau, Data-Base, and Backup Service Agreements; Employment Agreements and Organizational Policies.

The third component of a multi-volume course on computer law, this book introduces the legal aspects of society's use of computers. Aimed at lawyers and non-lawyers alike, it includes technology and law studied at the Franklin Pierce Law Center in Concord, New Hampshire. INCLUDES: Computer Technology; Intellectual Property Protection of Computer Technology; Licensing of Computer Technology; Computer Contracts.

"Everything you need to copyright all types of computer programs and output." INCLUDES: Computers: To Copyright Software You Need to Know How They Work; An Introduction to Copyright Law; Derivative Works and Use of Pre-Existing Material; Duration of Copyrights; Copyright Notice; Correcting a Defective Copyright Notice; Copyright Registration: Selection of Forms; Second and Supplementary Registrations; Deposit Requirements; The Registration Process; Transfers of Copyrights and Terminations of Transfers; Infringement and What You Can Do About It; International Copyright Protection; How Other Protections Supplement Copyright Law.


Sherman, Cary H., Hamish R. Sandison, and Marc D. Guren. *Computer Software Protection Law*. Washington, D.C.: BNA Books, 1988. 2 v. INCLUDES: An Introduction to Computer Technology; Introduction to the Law of Copyright; Sources of Copyright Law; Copyrightability of Computer Software; Special Problems Relating to Copyrightability of Computer Software; Ownership and Transfer of Copyright in Computer Software; Scope and Duration of Rights; Notice of Copyright for Computer Software; Registration and Deposit of Computer Software; Infringement of Computer Software; Defenses; Remedies; Introduction to Trade Secret Protection; Sources of Trade
Secret Law; Defining "Trade Secret"; Competitive Value and Investment; Novelty; Relative Secrecy; Software as a Trade Secret; Data Bases as Trade Secrets; Bases of Liability; Relationships Between Principals/Agents and Employers/Employees; Third-Party Liability; Proof of Trade Secret Misappropriation; Defenses; Litigation Concerns; Injunctive Relief; Damages; Criminal Liability; Dealing With the Government; Developing a Comprehensive Trade Secret Protection Program; Sources of Patent Law; Statutory Subject Matter; Additional Requirements for Patentability; Who Owns the Patent: Employers Versus Employees; How to Obtain Patent Protection; Patent Infringement; Defenses; Sources of Law; Subject Matter of Chip Protection; Ownership and Transfer; Duration; Scope of Rights; Registration and Notice; Infringement; Defenses; Remedies; Protection for Foreign Works; Selecting the Appropriate Form(s) of Legal Protection; Combining Multiple Forms of Protection; Characteristics of Different Forms of Legal Protection; Appendices.

Self-help guide "through the dark and uncharted regions of Copyrightland and its protectorate Licenseland." INCLUDES: The Copyright Game; The License Game. Appendices: Eight Sections of the Copyright Law; Final Exam on the Computer Software Copyright/Licensing Laws.

This book is intended to be a reference tool for both experienced and inexperienced computer lawyers. It covers all the principles essential for the servicing of clients with computer-related legal needs. Appendices include sample forms and agreements. INCLUDES: The Practice of Computer Law; Software Protection; Computer Contracts: The Fundamentals; Computer Contracts: The Vendor's Viewpoint; Computer Contracts: The User's Viewpoint; Licenses for Mass-Marketed Software; Annotated Glossary of Computer Terms.

INCLUDES: General Copyright Protection for Computers.

This book explains basic legal concepts and issues related to the development, marketing, protection, and use of computer software. Although primarily for the non-lawyer, attorneys may benefit from
the use of extensive authority citations. INCLUDES: Obtaining Copyright Protection for Software; Enforcing Copyright Protection for Software; Trade Secret Protection for Software; Patent Protection for Software; Trademark Protection for Software; Employers and Employees; Basic Software Contracts; Issues Raised in Most Software Contracts; Liabilities for Software Malfunctions. Appendices include various sample forms, checklists, and agreements.

Software Protection and Marketing: Computer Programs and Data Bases; Video Games and Motion Pictures. Practising Law Institute, 1983. 2 v.

These course handbooks were prepared for distribution at the Software Protection and Marketing: Computer Programs and Data Bases: Video Games and Motion Pictures Program held by the Practising Law Institute in New York, New York, June 9-10, 1983. The handbooks include articles and handouts by conference presenters. Volume 1 INCLUDES: Copyright and Computers (A. Levine); Copyright Formalities for Software and Data Bases (J. Baumgarten); Registration with Copyright Office (J. Rush); Video Game Litigation and the 1976 Copyright Act (H. Jones); Protecting Vendor Software (B. Plagman); Software, Copyright and Trade Secrets (M. Goldberg); Licensing and Protecting Computer Software via Patents and Trade Secrets (D. Bender). Volume 2 INCLUDES: Computer Programs and Data Bases: Acquisition of Rights by Vendors (D. Brooks); Problems in Mass Distribution of Software (R. Raysman).


Compilation of panel articles and handouts. INCLUDES: Computers and Copyright (M. Keplinger); Copyright and Computer Software (Including Data Bases & Chip Technology) (J. Baumgarten); Software Protection: Issues and Nonissues Relating to Copyright Infringement of Operating Systems Programs (E. Cohen); The Proprietary Rights Pyramid: An Integrated Approach to Copyright and Trade Secret Protection for Software (M. Gilburne); Copyright and Computer Software: Protection, Preemption and Practice (M. Goldberg); Decompilation and Disassembly: Undoing Software Protection (A. Grogan); Proprietary Rights in Software (R. Milgrim).


This course handbook was prepared for distribution at the Computer Software: Protection and Marketing Program held by the Practising Law Institute in New York, New York, July 23-24, 1990. INCLUDES: Copyright Protection for Computer Software: A Summary of Authorities with an Emphasis on Current Judicial Developments (M. Goldberg); Copyright Protection for Computer Programs: Is the Sky Falling? (M. Goldberg, J. Burleigh); Additional Copyright Developments (J. Baumgarten); Copyright Protection of
Compilations (A. Levine); Copyright Office Procedures: Registration of Computer Programs, Databases and Related Works (D. Schrader); Current Developments in Software Patents (D. Bender); Trade Secret Protection for Computer Software: Procedures for Protection: Recent Decisions on its Scope (R. Abramson); Protection of Trademark for Computer Software (J. Pegram).

INCLUDES: Software Protection; Computer Contracts; Antitrust Considerations in the Computer Industry (includes sections on Antitrust & Patents and Antitrust & Copyrights).

INCLUDES: Background and Enactment of the Semiconductor Chip Protection Act of 1984; Effective Date and Transition Provisions; Registration of Mask Works; Infringement Action—Establishing Liability; Infringement Action—Defenses; Infringement Action—Remedies; Infringement Action—General Procedure; Administrative Enforcement of the SCPA; Preemption and Relation of SCPA to Other United States Laws; International Issues; The SCPA and the Evolution of Future United States Property Laws; Licensing; Appendices.

Text on copyright law with general discussion on software copyright. Includes appendix on "Registration of Computer Programs and Databases."

This book introduces computer law to computer users. Both common and statutory law are included. INCLUDES: Computers and Intellectual Property; Computer Contracts; Further Developments. Also includes selective bibliography.

Casebook on computer law. INCLUDES: Contracting for Computer Products (Includes Tortious Misrepresentation); Patents; Copyrights; State Protection.

United States Congress, Office of Technology Assessment. *Finding a Balance: Computer Software, Intellectual Property and the Chal-
BIBLIOGRAPHY: LEGAL PROTECTION FOR COMPUTER PROGRAMS


II
Periodicals


III
Annotated Law Reports Annotations

Computer Programs as Property Subject to Theft, 18 A.L.R.3D 1121.


Copyrightability of Video Games, 66 A.L.R. FED. 490.

Criminal Liability for Theft of, Interference with, or Unauthorized Use of, Computer Programs, Files, or Systems, 51 A.L.R.4TH 971.


Disclosure or Use of Computer Application Software as Misappropriation of Trade Secret, 30 A.L.R.4TH 1250.

Discovery of Trade Secret in State Court Action, 75 A.L.R.4TH 1009.

Patentability of Computer Programs, 6 A.L.R. FED. 156.

What Constitutes a “Compilation” Subject to Copyright Protection—Modern Cases, 88 A.L.R. FED. 151.


IV
Law Review Symposia


Copyright Protection for Computer Software. 3 Computer/Law Journal 1-104 (1981).


V

**Law Review Articles**

A. Legal

1. **In General**


Hoffman, Paul S. *Corporate Counsel's Role in a Software Age.* 58 New York State Bar Journal 38-44 (1986).


2. Antitrust Aspects

3. Bibliography


4. Bulletin Boards


5. Comparative Law


Pilny, Karl H. *Legal Aspects of Interfaces and Reverse Engineering: Protection in Germany, the United States and Japan.* 23 International Review of Industrial Property and Copyright Law 196-218 (1992).


6. Computer Programs


7. **Criminal Aspects**


8. **Government**


9. *Laws*


10. *License*


11. Piracy


12. Security Interests


13. *Trial Practice*


14. Video Games


15. Miscellaneous


B. Copyright

1. In General


Laidig, Craig A. *Lotus Leaves Software Copyright in a Dream State: Defining Protection of the User Following Lotus Development Corp. v.*


Padgett, Donald F. Copyright Protection of Computer Software. 48 Texas Bar Journal 257-68 (1985).

Palmer, John P. Copyright and Computer Software. 8 Research in Law and Economics. 205-25 (1986).


Prasinos, Nicholas. Legal Protection of Software Via Copyright. 8 APLA Quarterly Journal 252-72 (1980).


2. Antitrust Aspects


3. **Arbitration**


4. **Artificial Intelligence**


5. Bibliography


6. Chip Act


7. **Comparative Laws**


DuCharme, Nancy Kemp and Robert F. Kemp. *Copyright Protection for Computer Software in Great Britain and the United States: A Com-


8. Computer Created Works


9. Computer Programs


Nussbaum, Jan L., Note. *Apple Computer, Inc. v. Franklin Computer Corporation Puts the Byte Back Into Copyright Protection for Com-


BIBLIOGRAPHY: LEGAL PROTECTION FOR COMPUTER PROGRAMS


10. Copying Policies


11. Copyright Office


12. Databases


13. **Dependent Works**


14. **Display Screens**


15. Economic Aspects


16. Idea/Expression


17. *Infringement*


Tepper III, Maury M. *Copyright Law: Integrating Successive Filtering Into the Bifurcated Substantial Similarity Inquiry in Software Copy-


18. Laws


19. Look and Feel


20. Microcode


21. Network


22. **Object Code**


23. Piracy


24. **Reverse Engineering**


25. **User Interfaces**


26. Video Games


Grabowski Jr., Theodore J., Note. *Copyright Protection for Video Game Programs and Audiovisual Displays; and Substantial Similarity and the Scope of Audiovisual Copyrights for Video Games.* 3 Loyola of Los Angeles Entertainment Law Journal 139-63 (1983).


27. *Work Made for Hire*


28. Miscellaneous


C. Patent

1. In General


2. Algorithms


3. Artificial Intelligence


4. Comparative Law


5. Computer Program


6. **Economic Aspects**


7. **Infringement**


8. **Object Code**


9. **Patent Office**

10. Related Inventions


11. Trial Practice


D. Trade Secret


E. Trademark


