

Additional Software and Copyright Information

Copyright Protection

- Copyright protection is automatic applied as soon as anything is written regardless of the © copyright symbol use
 - Any software, document, or webpage cannot be used in a commercial product without the author's permission
 - A government process must be followed to put written material (including software) into the public domain. A more efficient way of making works available to anyone for anything is to include a copyright statement and a very permissive license.
- **Government Sponsor**
 - Acceptance of the government's term occurs with acceptance of fees with personal contracts
 - The Boston College Intellectual Property Policy stipulates the University owns a software copyright if an employee was paid or received a tuition stipend through the University
- **Publication**
 - Copyright of the expression of an idea is transferred to the publisher
 - Source code that is referenced in publication is not automatically placed in the public domain

Licensing Software

- **Use Restriction Considerations**
 - Provide attribution in software releases and publications
 - Review modifications for purposes of quality control
 - Reserve the right to the name of software
 - Creation of derivative products
 - Sold and by whom
 - Boston College's Office for Technology Transfer and Licensing (OTTL) can customize an academic source code license to clarify all of the issues involved with copyright use and ownership
- **License Ownership**
 - Software projects often include contributors who are not Boston College employees and are not subject to the Boston College Intellectual Property Policy. This includes undergraduates who are not being paid to write the code.
 - Authors should gain informal permission via email from all authors to release the software under an open source or academic free license
 - OTTL negotiates software commercial agreements to decide which party has commercial control over distribution of the software
 - If all contributors are University employees, the authors share of the royalties is distributed equally, unless determined differently by the authors
 - Some research groups have their own rules about how the inventors' shares are distributed

Available Software

- **Copyright Statement**
 - Communicates to users allowances and permissions of available software
 - Protects University liability with a statement clarifying that Boston College provides no warranty on the software, which will prevent any assertion that the software does not perform a certain function that the University claimed it would
- **Technical Support Issues**
 - There are several ways to reduce support inquiries
 - Release the software as source code to allow savvy users to look at the code themselves and make any adjustments they need to run their experiments
 - Develop good documentation to post on a website with the software (FAQ)
 - Make it clear that users must send their modifications back to the author for re-distribution so that the author can have some control over the quality
- **Open Source License Issues**
 - Account for all code components that went into the software before releasing it with a free license
 - The best practice is to check for incompatible license restrictions on components before they are added to the software
 - Conflict of interest issues
 - If open source software is released and then a fee is charged for consulting on the software
 - If the software is not useable by very many people or it is not readily accessible on your website
 - Disclose plans to your department chair and the Director of Research Integrity and Compliance before moving forward
 - OTTL provides instruction for releasing software under an open source license and advice on the license that meets the goals of the research group

Commercialized Software

- **Patents**
 - A patent protects an idea and a copyright protects an expression of an idea
 - A patent can be a more powerful form of protection because people could not legally design a software product that would infringe the claims of the patent
 - A copyright would be infringed if an individual were to copy source code without permission, use it to create derivative works, or use it as a reference when writing their own source code. However, it would be legal for individuals to rewrite the source code to perform the same function if they do not use your source code as a reference.
 - Software may be worth very little until long after the one-year U.S. patent bar date has passed, making it unlikely to invest in patent protection. For this reason, copyright protection is often more appropriate than filing a patent.
 - An algorithm that would take very little effort to implement may be worthwhile to patent
 - Depending on the goals for the technology, it may make sense to file a patent if the technology may be the basis for a startup company
- **Commercial Licenses**

- Non-exclusive licensing is often the best strategy for widespread distribution of software
- OTTL can help determine the right price and agreement to streamline the widespread use of new software
- **Copyright Sale**
 - No other individual can legally sell and make money off of another individual's copyrighted software
 - Copyright infringement is enforceable in court