Systems of intellectual property law date back many centuries and play a very important role in the information technology field. The main forms of intellectual property law are patents, copyright and trade marks. All play important roles and are considered in this section of the book. Patents and copyright have been applied in an IT context from the early days of the computer whilst trade marks have come to assume more significance with the commercialization of the Internet and its use by major manufacturers who typically own many trade marks developed for use in the course of their activities in the physical environment. As with many areas, the connection between the real and virtual words is not exact. The application of the law of copyright to software has seldom been in doubt. It is clear that the unauthorized copying of all of a work is unlawful. What is not clear is the extent of the protection. The famous scientist Isaac Newton is quoted as saying “If I have seen further, it is because I stood on the shoulders of giants”. Most later works build to some extent on their
13. The emergence and forms of intellectual property law

predecessors and there is a difficult dividing line between fair and unfair use of such works. Somewhat different issues apply in relation to patents - a branch of the law which offers the strongest protection but does require that works be innovative and produce a technical effect - that they should do something. This can be difficult to assess in respect of very fast-moving technologies.

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