This chapter discusses protection under the law of copyright. Topics covered include copyright basics; obtaining copyright; forms of protected work; the requirement of originality; copyright ownership; copyright infringement; the nature of copying; other rights belonging to the copyright owner; the development of software copyright; and literal and non-literal copying. The law of copyright is perhaps the major branch of intellectual property law relevant to computer software. Virtually every piece of software will be protected by copyright. The main issue concerns the extent of the protection that is offered. Computer programs are generally protected as literary works. This was appropriate in the early days where computers performed essentially functional tasks - often associated with mathematical calculations. It is arguable that modern software, which often makes extensive use of graphical images, is more akin to an artistic work than a literary one. Regardless of categorization, the courts in the United Kingdom have applied a narrow interpretation of the scope of copyright. Reproduction of the underlying code will be
16. Copyright protection

unlawful but replication through independent work of the effects produced by the code (often referred to a non-literal copying) will not.

Access to the complete content on Law Trove requires a subscription or purchase. Public users are able to search the site and view the abstracts and keywords for each book and chapter without a subscription.

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can’t find the answer there, please contact us.