



Software, Website & Application Developers

If you're a software, website or application developer, nothing is more central to your business than intellectual property. IP permeates every aspect of your work. But there's a good chance you might not fully understand what IP rights you own and don't own. And you might not know how to acquire and protect the rights you need to succeed.

Olive & Olive can do all that for you. We're located in Durham, North Carolina, part of the Research Triangle, an international center for science, business, and technology. And since 1957 – when we opened the first IP law practice in the Triangle – we've had the privilege of representing world-class software engineers, web designers, and app developers.

All areas of IP apply to software, websites, and apps.

When it comes to app development and software in general, the source code, designs, graphics, app name, app icon, and any written content within the app should all be considered intellectual property. For example:

- Copyright will cover the appearance and text you create, as well as the program content.
- Patents might apply to unusual innovations that wouldn't be obvious to others in the field.
- Trademarks can protect the product names and icons.
- Trade dress or a design patent may protect the appearance of the screens.

Websites usually don't require patent protection. But the text and audio-visual aspects are protected by copyright. The site name and any mentioned products and services will be covered by trademark law

(including domain protection). Trade dress and design patents may protect screens and overall appearance. Websites must comply with other aspects of cyberlaw, including privacy requirements. And there are laws and regulations covering different types of content (access by minors, the way in which you collect data from the site, obtaining permission for use of images and names).

As you can see, things can get complicated. That's why you need expert IP legal advice.

Ownership is a big problem area in the software arena.

That's because it's not unusual for many different people to work on a project—or for businesses to outsource some or all of the work. Whether you're working jointly with others or outsourcing, it's very important to have a legal agreement that sets forth who owns what. A few examples will illustrate why:

- Without an agreement, copyright ownership is shared among those who contributed protectable work to the end product. Each owner can independently exploit his or her interest, subject to payment obligations.
- Without an agreement, each patent owner is a joint owner—and each patent owner can independently exploit his or her interest without owing anything at all to the other owners.
- Without an agreement, a company that outsources work usually doesn't own the intellectual property rights in the end product. That means it could be sold to competitors, even though you paid for it.

IP assignment agreements, ownership contracts, and license agreements can spell out each party's rights in writing. When this is done at the outset, there are far fewer fights down the road. If you wait until your app tops the charts and the cash starts pouring in, you may find yourself in a fight over whose personal contribution was the true key to the product's value.

We will take care of your confidentiality concerns.

The software and tech sectors are innovative, dynamic and ever-changing. There are many experts who are capable of taking ideas and running with them. Keeping your ideas limited to authorized persons is key during product development and afterwards.

Trade secret law provides some protection over your employees' actions – that is, if you've taken careful steps to maintain confidentiality in-house. But for outsiders, you need agreements – typically an NDA (non-disclosure agreement). You also should think about how to build in protection for your code and other secret aspects of the work both through licensing agreements and through implementation within the product.

Talk to an intellectual property lawyer today.

When it comes to software, websites, and app development, multiple forms of IP protection are important for different reasons, depending on the nature of your project and your business goals. It's wise to consult an IP attorney before getting too deep into any of these areas.

Why Olive & Olive?

For decades, we've helped companies and freelance programmers understand the landscape of intellectual property rights involved in software, websites and application development. Our accomplished attorneys have practical, hands-on business experience in software development and licensing. We combine this experience with legal expertise to produce sound and useful advice on complex matters. Our IP attorneys:

- Provide legal advice and documentation to obtain and protect rights in content and code, to help avoid the loss of rights that can result from faulty hiring and contracting practices.
- Advise on licensing approaches that maximize control in the distribution of software and the documents essential to the protection of its value, including license and support agreements that correspond with desired business models and pricing platforms.
- Guide protection strategies and obtain available patents, when software involves patent rights.
- Advise on the protection of trade secrets, establish safe business practices, and prepare critical enforcement documents.
- Identify and minimize the risks when developers use tools, code, and materials owned by third parties.
- Advise on the protection of copyrights in website content—and on avoiding infringement of others' protected rights.
- Provide trademark advice and obtain trademark registrations, supporting branding strategies to distinguish software products and websites in the marketplace.
- Vigorously protect your trademarks and domain names from infringement, so that they retain their distinctiveness and value.

Olive & Olive will help keep your software, website, and application intellectual property assets safe and protected. We'll reduce the risk of theft and illegal use. With us by your side, you can maintain your competitive advantage. Add us to your development team today.