Book Review

Intellectual Property Law for Engineers and Scientists

By Howard B. Rockman, Wiley-IEEE Press, Hoboken, NJ, 2004. 511 pp., $79.95(hardbound). ISBN 0-471-44998-9.

Reviewed by Charles Ashbacher

This is a book whose content is something that I should have read years ago. I am a part-time college instructor, have my own business and edit material for publication. In all three of these areas, questions and conflicts regarding intellectual property have arisen.

The colleges that I teach for have policies that dictate that all instructional material and software the instructor creates for the courses become the property of the college. While I have successfully resisted this policy at two colleges, my defense would have been much stronger had I known what I learned from reading this book.

I generally create my own material for the training I do through my business and my clients and I have had occasional minor differences concerning educational and intellectual property rights. There have been a few occasions when I was working as a contractor, and the contracts that were presented had clauses that would have prevented me from doing any work for anyone else that they perceive as one of their competitors. This has been a major point of disagreement; it has taken several hours of intense negotiation to resolve these issues.

In a previous job, my title was that of research scientist. My employers considered applying for patents on some of programs I wrote. This was nearly a decade ago, before software patents were so commonplace, so they never pursued the matter. Finally, I edit a math journal and occasionally write or edit a book.

In reading about the working situations of others, it is clear that my need for knowledge in the area of intellectual property law is not unique. Everyone who invents physical or cyber products should be aware of the legal standing of what they create. Questions concerning copyright and patentability are nowhere near as easy to resolve as you may think. Even if you sign a contract stating that all you make becomes company property, you still retain some, albeit limited, rights to the product. With more and more

workers performing tasks on contract and telecommuting, this area is becoming increasingly muddled. The fact that I developed training material on my own time and using my equipment allowed me to successfully resist the attempts of the colleges to acquire the rights.

The first section of the book deals with patents, what they are, how to perform a patent search for prior art, how to obtain one, what can be patented, the requirements for originality and non-obviousness; how to continue the patent process if your application is rejected, how to obtain competent legal assistance, how to enforce patent rights and how to use a patent right as a business asset. I read these sections with fascination, I follow some of the "patent wars" processes in the trade journals, but until I read the material on patents, I never realized how complex the patent process is.

The next section deals with employment contracts and non-compete restrictions, something that affects all workers in the technical areas. It was heartening to read that while employers have a lot of power to enforce non-compete provisions, it is not absolute and workers are generally not denied their right to earn a living using their skills.

The next chapters cover copyright issues, what copyright is, how long it lasts, what the requirements are for originality, what can be copyrighted, the consequences of recent legislation, and mask work protection rights. The final chapters deal with trade secret law, trademarks and cybersquatting.

As I organized my thoughts before beginning this review, the question that I pondered many times and in as many ways as I could think of was: "Is there any area of information technology where a worker would not benefit from reading at least several chapters of this book?" After hours of thought, the answer is that there is no such area. Every line of code you write or alter is potentially part of a patentable product. There is no dispute that intellectual property is rapidly becoming the greatest single asset that many companies have. I have no way of knowing when it will occur, but at some point the worldwide monetary value of intellectual property will exceed that of physical assets. With this backdrop, understanding the basics of intellectual property will become a business skill as essential as knowing the fundamental rules of economics. To some, that is already the case.

Therefore, whatever your position in the intellectual property food chain, this is a book that you must read. I may have learned more valuable information from this book than from any other that I have read. It is definitely on my best books of the year list.