


SOFTWARE PATENTS AND SOFTWARE LICENSES IN OPEN SOURCE SOFTWARE



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A LITTLE BACKGROUND

(I)

- **IP Origins**
- **Recent IP Extensions**
- **The Evolution of Material Rights**
- **The Intellectual Underpinnings of IP**



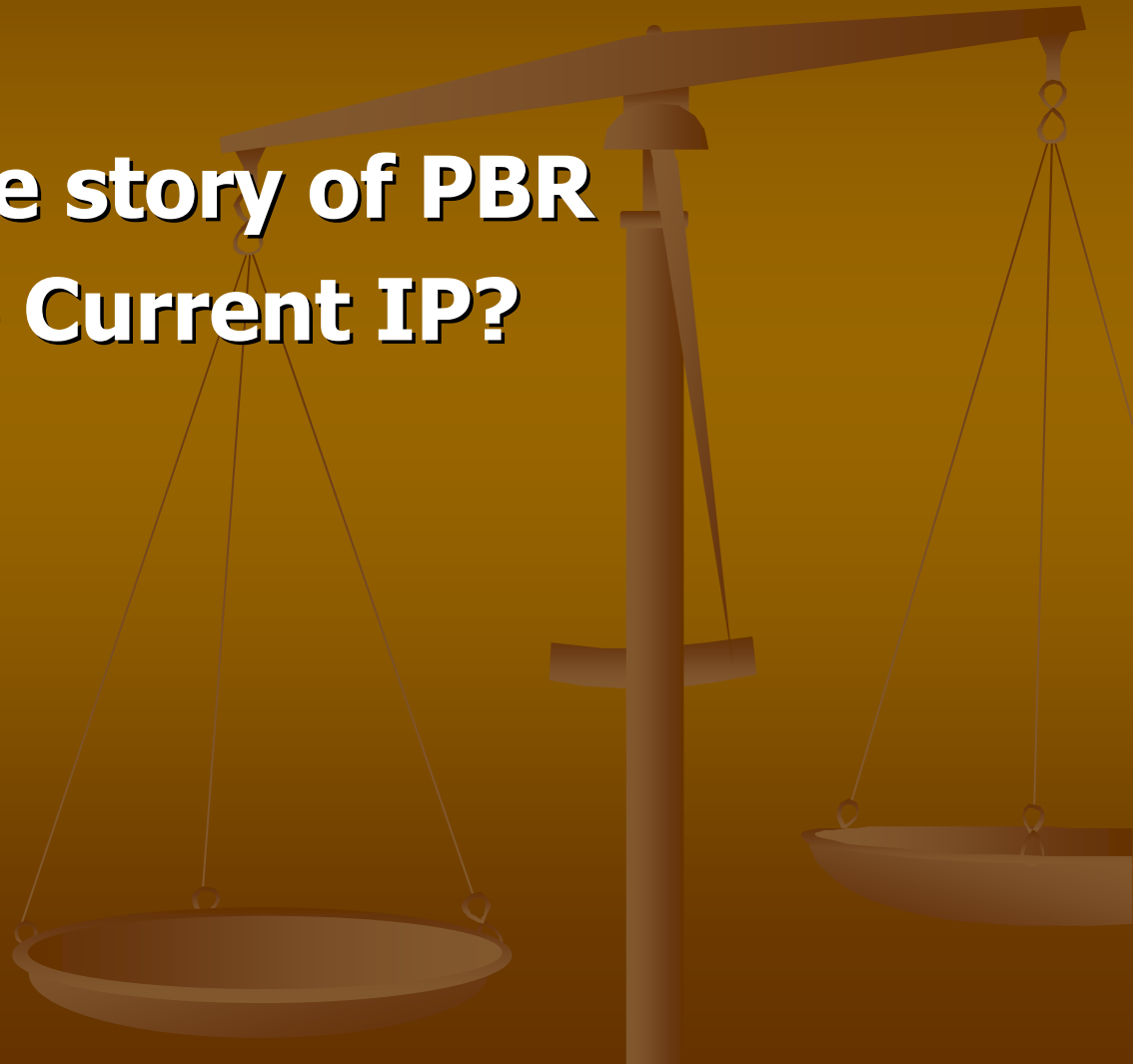
A LITTLE BACKGROUND (II)

- **Intellectual Capital and IP**
- **An Information Economics Society**



CAPITAL MARKET FAILURE

- **IP Failure : the story of PBR**
- **Correctives to Current IP?**



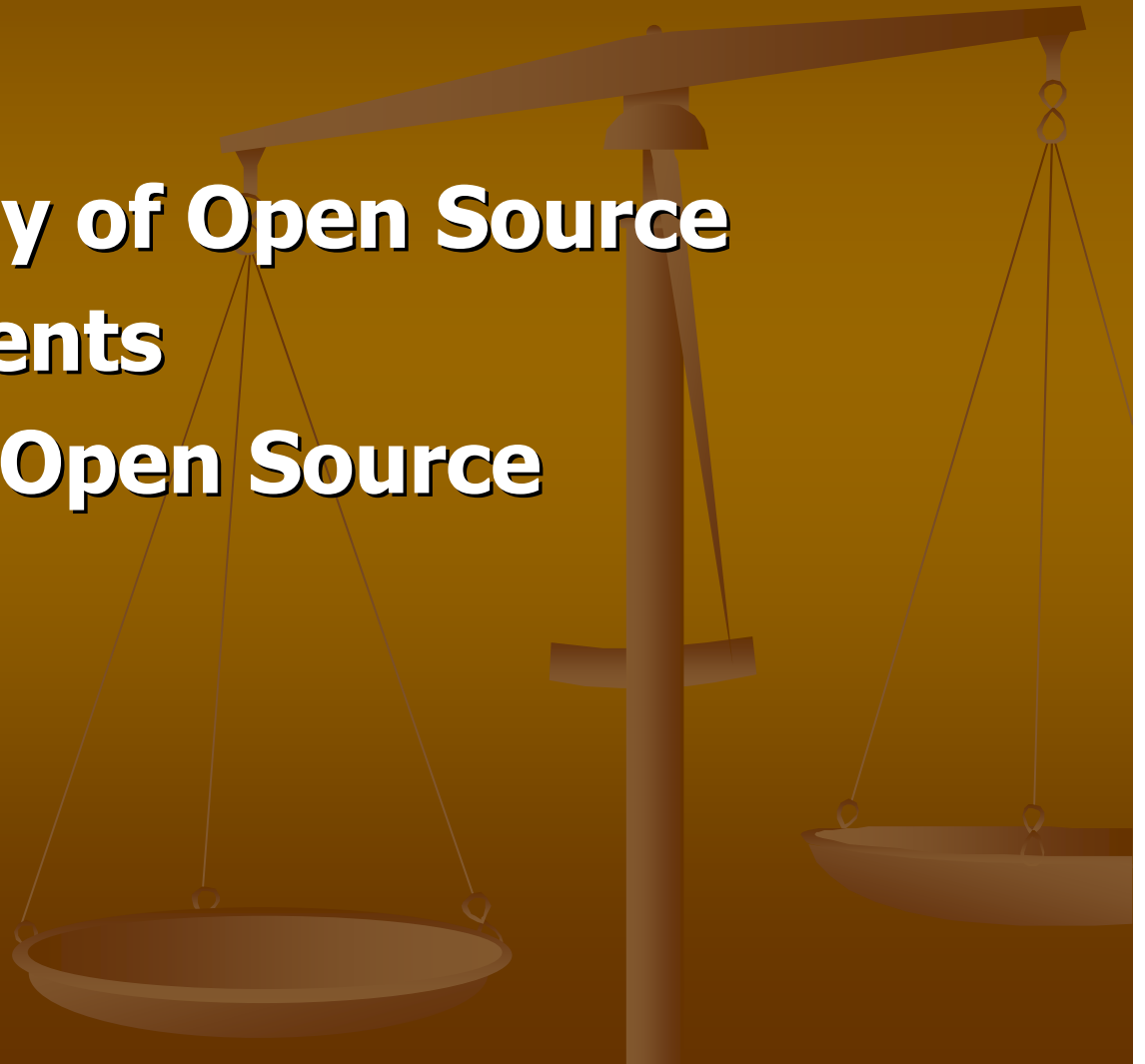
IT PROTECTION AND SOFTWARE

- **US**
- **"EUROPE"**



ENTER OPEN SOURCE

- **The philosophy of Open Source**
- **OSI requirements**
- **The Issues of Open Source**



CHALLENGES

- **Click wraps/shrink wraps**
- **Enforceability**
- **Moral Rights**
- **Representations and Warranties**
- **Derivative Works**



EXCESSIVE RENT SEEKING AND IP

- Judge Posner says..

