

◆ Consultants in Minnesota ◆

April 2000

President's Message

By Larry Bremer

Greetings

Let me begin by thanking Bill McTeer for his excellent presentation. Very knowledgeable speaker and an informative presentation. Thanks Bill.

The ICCA-MN Board met briefly before the March meeting to coincide with the start of a new fiscal year (April 1st). The meeting fee was increased from \$20 to \$25 for members and from \$23 TO \$28 for non-members. To avoid capacity scrambles prior to the meeting it was unanimously agreed to add a \$2 fee surcharge for failing to make a reservation.

There are still several volunteer opportunities for our membership. The first is a need for additional program chairs. Being a program chair is a great way to become involved in the chapter, meet some knowledgeable people in your field of interest (networking) and to learn more about your topic of interest. Trust me when I say it is a rewarding and (mostly) enjoyable experience. The second opportunity is to staff the booth at the strictly Business Expo. Mark your calendars for June 7th and 8th for attendance and reserve a two-hour block of time to staff the booth. This show provides great networking opportunities, i. e. meeting influential people (contract labor buyers and other independent contractors). Watch for more information on the Strictly Business Expo.

Lastly, mark your calendars for the 23rd National Conference, June 8th -10th, in the

Boston area. Watch for more information on this as well. If you schedule allows, plan to spend an additional couple of days in the Boston area. For ideas about how to spend the extra time visit: <http://travel.boston.com>

Looking forward to seeing you at the Wyndham, Tuesday, April 18th.

VISI.COM presented at the February 2000 Meeting

by: Ben Moyle

The presentation at the February chapter meeting was given by Mike Horwath, director of network engineering at VISI.COM, an Internet services company. Aileen Goodrich, customer support manager at VISI, was also present to answer questions. Mike's presentation was about DSL, the newest buzzword in phone data service. You had to be there to fully appreciate Mike's frequently irreverent comments about both his competitors and own company's services. (I suspect part of Aileen's purpose in being there was to keep Mike from straying too far in that direction.)

DSL is a phone service that provides constant digital connection at speeds of 144K to 1000K bps. It can be shared with a dialed voice line. It is not available everywhere locally yet, and where it is, the speed available depends upon the distance from what is called a telephone company 'central office'. There are several 'central offices' in the metro area. It is described as being priced about the same as a second phone line.

VISI.COM web site is, of course, www.visi.com.

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Newsletter
of the



Minnesota Chapter

Copyrights, Patents, and Trademarks, Oh My!

by Bill McTeer

On March 16, I gave the dinner presentation on “The Intellectual Property Game”, and, as a reward, I now get to write an article about it. First, the disclaimers: I am not a lawyer; I am incompetent to give legal advice; if you have a particular situation you think might be a goldmine (or a problem) for you, consult an attorney.

In my presentation, I covered a little bit about what to me is an interesting topic: how to arrange things in such a way that your work product keeps earning for you after you have done the work (and how to avoid some pitfalls). As most of us notice sooner or later, consulting income tends to be limited by the number of hours in the day. If you try to expand by making a larger business, you may end up working for it, rather than it for you. Intellectual property is great, because, in principle, you can sell it over and over again without consuming any working hours.

However, in order to have something you can sell this way, you need to understand how to obtain and maintain the rights you want to sell. There are three main forms of legally enforceable intellectual property rights: copyright, patent, and trademark.

Copyright protects a presentation, but not generally the ideas or concepts behind it. Copyright is easy to obtain: the author of a work has a copyright from the instant the work is “fixed in a tangible medium”, which includes computer storage. In order to maintain a copyright, you should include a notice (Copyright <date>, <holder>) in the work, for example, in the header comments of program source code. Copyrights expire after a period of time. When an employee creates a work as a part of employment, the copyright is normally held by the employer. A non-

employee consultant normally would have rights to the works he or she writes unless the consulting agreement states otherwise. Language to transfer the copyright to the client normally takes the form of indicating the work “is to be considered a work for hire for purposes of copyright”. In order to win a copyright infringement case, you may need to show that the infringer had an opportunity to actually copy the work: in contrast to patent (discussed below), the infringer could claim independent creation as a copyright defense. It simplifies protecting your copyright to register it with the Copyright Office, but it is not strictly required.

I think copyright should always be considered carefully when taking on any kind of a consulting arrangement. If you can provide service to your client and retain the potential to develop the value of the works you develop, that can't hurt.

Patent protects an invention, and can protect ideas and concepts. It must be applied for and granted by the Patent Office. There are a number of requirements, among them is that you must fully disclose the process being patented and that it must not be something which has been done by anyone before. Patents are arcane to obtain and protect, requiring specialized legal skills. Unlike copyright, it is not a defense against patent infringement to prove you independently invented. Many famous algorithms for compression, encryption, and sorting have patent encumbrances, which may require that you license the use of the patent from the holder. There are cases, such as many people believe of the Bruce Dickens patent related to windowing of dates for Y2k, where patents have been awarded that are not valid due to prior development of the “invention” by others.

If you have invented something that can

be patented, you may wish to explore it, because patents can be strong protection. However, I think for most consultants the common patent issue is trying to avoid liability for inadvertent infringement. Whenever you use a “classical” algorithm from an Internet or academic source, you should try to determine whether there is any patent issue involved.

Trademark protects a name used in commerce, such as a company name or brand name. Their primary purpose is to prevent misleading representations that could confuse a buyer. There have been some interesting cases involving the interaction between trademarks and Internet Domain Names. I do not think trademark is a common concern for consultants.

In summary, I think intellectual property offers both dangers and opportunities for consultants. Dangers include writing agreements that are unclear or needlessly restrictive in the area of copyright and not assigning the liability for inadvertent infringement of patent to the primary beneficiary (the client). Opportunities include maintaining the rights to your work product in such a way that you can get value from it again if the opportunity arises. I believe that many of the opportunities that exist to sell code in multiple contexts accrue to both the consultant and the original client, in that the code is used and maintained in more than one way, leading to wider testing and motivating more attention to correctness and efficiency.



IT Project Management
presented by Mr. John Saxby

Mr. John Saxby is Project Director for Impel Solutions Corporation, an information technology and applications development consulting firm. Impel solutions was founded in 1998 to provide high-quality, professional consulting services and solutions.

Mr. Saxby's primary responsibility is to develop and build a project management practice for Impel Solutions Corporation. John has over 26 years of project management experience and the highly recognized certification of Project Management Professional. John's most recent position was with Keane, Inc. where he served as a Principal Consultant. John is a graduate with honors from Highland College. He and his family reside in Shakopee, Minnesota.



Meeting Reservations: Members may phone your reservation to Joan Barnes at 651-257-2570, **by 3:00 PM, Friday, April 14, 2000.** Non-members should mail this form to: ICCA Minnesota, c/o Roger Montague, 2738 Winnetka Ave. N, New Hope, MN 55427.

Name: _____ Company: _____

Address: _____ City: _____

State: _____ Phone: () _____

Members \$25 Non-members \$28 x _____ = _____

Late Charge \$2 x _____ = _____

Menu: Beef Stroganoff or London Broil Beef



Next Meeting

Tuesday, April 18, 2000

IT Project Management

Wyndham Garden Hotel

4460 W 78th St. Circle
612- 831-3131

Social Hour at 5:30PM
Dinner at 6:30PM

For reservations call
Joan Barnes @ 651-257-2570

FUTURE MEETINGS

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[ed. note]

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Attention all ICCA members:
Get involved, write a story for the newsletter. I need stuff to fill these white(blue) pages!!.



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First Class Mail

