Informatics Ethics and Law

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Intellectual and Artistic Works

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*The first law on intellectual and artistic works has been published by the name '*Copyright Act Right*' on May 8, 1910, Turkey. This law remained in effect until 1952.*

The Lausanne Treaty of additional trade agreements with Turkey's international intellectual and artistic works contract is written that in the 12 months to adapt. However, Turkey has put reservations on the issue of copyright law, citing the need for translation works. Due to this drawback, Turkey has remained outside the Berne Convention in 1951 and became a party to these agreements but has signed a contract in 1995

Intellectual and Art Rights

People think and produce ideas, and then share their ideas with others, provided that their rights remain. A person's right over his own ideas is called Rights of Intellectual and Artistic Works or "Copyright" for short. Copyright has the characteristics of the author as a definition:

- Science and literature
- Music
- Fine arts
- Cinema

It expresses the material and moral rights that can be possessed on all kinds of ideas and works of art. With the production of a work, it gains the copyright that produces it, it does not need to be registered in certain places for protection. As soon as the work is shared with others, the rules for its protection begin to work. Copyright protection period is 70 years.

Industrial Rights

An invention is called the right of industrial rights, which allows the new design or original work to be recorded on behalf of the accomplished so that it has the right to produce and sell the product for a certain period of time. Industrial rights may be *patents, utility models, designs, brands, geographical indications and traditional product names.*

Brand: The mark that distinguishes a product or service from its equivalents is called a brand. The content of brands can consist of words, *shapes, letters, numbers, colors, sounds* and a *combination of product or packaging*. A registered trademark is not used by others. A brand must be distinctive, illustrated or similarly expressed, published and reproduced through printing.

License: Companies can make license agreements for the products and services they have registered. A monopolized or non-monopolized license is issued. In non-monopolized license agreements, the licensor may use the brand itself or grant licenses to others. In monopolized license agreements, the licensee cannot license another person and cannot use the brand itself unless it explicitly reserves its right.

Patents: In order for a invention to be patentable, it must be novel, applicable to the industry and include a step of the invention, in other words, its technique must exceed its known state. A patent product cannot be produced, sold, used and imported by others for a certain period of time.

Useful Model: The utility model, which is a new concept compared to the patent, has started to be given for inventions in our country and in the world. Getting a utility model certificate is easier and faster than obtaining a patent certificate. The utility model also provides protection to inventions such as patents. The protection period is 10 years. It is not extended when the time is up.

Employee Inventions: The invention that he / she performs due to the activity he / she is obliged in a business or public administration or made during the business relationship largely based on the experience and work of the business or public administration is defined as the service invention.

Protection of the Software

It is known that patents have been issued for computer based systems. For example, a patent can be obtained for the management unit of a computer-based washing machine. This patent can be obtained for design as well as for management software.

Today, a patent or utility model certificate has been issued for the software. While giving these documents, attention is paid to the fact that the software or computerized system developed is innovative and unique.

In current patent laws, patents cannot be granted for user interfaces, but patents can be patented for mouse, mouse substitute surfaces. Similarly, patents are given to the screens and surfaces that can enlarge and shrink with two fingers.

A software is not patented. It would have been blocked to produce another software that would perform the same function if it had been given.

Reverse Engineering

Reverse engineering has emerged in the form of examining a hardware developed by someone else and doing the same or more advanced. Later, this method was also applied for software.

In the early stages of the assigned computers (before the production of microcontrollers), the hardware of the computer was easily copied. Most importantly, the codes of the program in memory were visible. When the codes in memory were compiled reverse, a symbolic program could be obtained.

By examining the codes of an existing software, the design structure of the software can be removed. Thus, logic and flow diagrams that are monitored during the design phase of the software can be produced. In a sense, the efforts of those who have prepared the original software are stolen.

Today, tools developed for reverse engineering are also provided. By using these tools, large software that has been previously prepared is converted to the format suitable for today's possibilities.

In reverse engineering work, using the knowledge of the actual software as it is in information theft as mentioned before. However, reverse engineering work can be considered as an acceptable work if it is performed in the organization where the original software is made to adapt the software to the conditions of the day.

It is unethical to obtain and use a program written by someone else with reverse engineering.

Open Source Software

It is known that the software is produced at the end of a significant effort by going through the requirements, design and implementation stages. The source codes of such an exhausted product should not be expected to be given to others. However, some software developers find it helpful to share the source code. Those who think in this thought, with the open source code;

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The companies can provide some program components as open source or they can buy these components for money.

The company, which uses the open source program component, may then ask for support for the money that prepares the program part for maintenance

Some companies are lazy to get a license for the program they produce and share their open source code with everyone.

Open source programs are becoming more and more common today. It is known that the GNU project (the operating system introduced by R. Stallman, "GNU's Not Unix") was launched for an open source operating system. Android, which is widely used in mobile phones today, is an open source operating system. For this reason, it is used by many mobile phone manufacturers.

Source Code Depository

It is a common occurrence for a programmer working in a software company to leave the company and produce a program that will perform the same function on behalf of the company he founded. He can copy the source codes and design documents of the software he is working on while working at the software company.

In such cases, the original company of the product is rightfully filing an unfair competition case. When the subject of the case goes to the technical committee, technical experts examine the source code and try to go to the conclusion. If the source codes are substantially the same, the second firm is found guilty.

Software developers use the source code trustee for two reasons:

- Precaution against theft of source codes and
- Securing the future of your software.

Organizations that purchase ready-made software then expect the maintenance of the software to be guaranteed. Maintenance includes debugging and software development. If the firm that develops the software closes in the future and cannot provide this support, it is clear that large problems will be encountered. For this purpose, some companies also request the source code when purchasing software, thus hoping that they will guarantee their future. Source code custodians undertake to keep the latest code of companies that develop software. When these companies are closed, they can give the source codes to the organizations that have purchased the software