Trademarks and Patents A computer program is intellectual property (IP) and as such it can be protected by copyright, trademark or patent. Until recently, "intellectual property" used to refer exclusively to industrial design rights but nowadays software programmers and designers are equally protected by design patents. The law protects the material that has been created with or without creativity and originality. Examples of material that is not protected include: -facts -ideas -creative works notwithstanding their simplicity -parodies -satire -imitations of artistic style with critical intent... etc. The law protects the information that has been created with or without creativity. Examples of information that is not protected include: -data -programs -modifying programs (technically called "translating") -any kind of software ("sourcable" software) -the works in which the software is coupled with other information (called "coutex" in French). The latter kind of work constitutes an industrial design. This means that if the software is coupled to another physical object (e.g., e-mailed, sent via FTP, etc.), this industrial design must be registered for it to be protected in France under French legislation. Unless the original software is protected by a patent or a commercial copyright, it can be copied freely with a legal authorization from the owner of the rights, who pays a fee. For example, most software sold with GNU General Public License is open source with small known copyleft components. If the work is copyrighted, it will be illegal to use parts of that work without providing attribution to its author(s) if enough parts were used to derive the whole work. In this case, persons concerned can obtain publication of their names on copyright notices for this kind of works. In addition, Microsoft Windows and certain other operating systems are protected by patents and commercial copyrights. The author(s) (e.g. the programmer(s)) is protected in his work by an industrial design patent in France in case of software or application program. This right is valid only if the product in which the protection is sought has never been sold before (in case of a product) or if it has not been made available to the public (in case of a service). The author(s) can also ask that this protection be extended to another country, but it requires that the product be first patented and then marketed there first. The European Union and some other countries have adopted a strong intentional stance on strong copyrights on computer programs. An individual or corporation seeking to be recognized as the owner(s) of the rights to a computer program in these countries must usually produce two publications in printed form, each being in a language acceptable in the country where action is being taken, and each being in its entirety. Article L.122-5 of the French Intellectual Property Code states that programmers are entitled to economic rights on their program, which are granted by the law up to 20 years after publication. A patent can be requested for an invention, whatever it may be (useful product, technical process or industrial design). A utility model is an industrial design that is legally protected for ten years with no need to file any patent request.

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