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**Copyright and Code**  
By Gary Oberst

Copyright is a simple but very useful method of protecting authored works, which include computer programs. The copyright (which literally means, “the right to make copies”) protects against unauthorized copying. This right normally belongs to the person writing the code unless that person is an employee; then the employer is normally the owner. Thus, an independent computer consultant would normally own the copyright despite being paid for writing the code. The ownership may, of course, be transferred.

Copyright comes into being as the author creates the work. Thus, a programmer is the copyright owner of each line of code as she puts it on paper or keys it into storage. The author gives up the copyright by putting the work into the public domain. She does this, for example, by publishing the work without a copyright notice. To avoid this, careful programmers write the copyright notice first and in such a manner that it appears on the first screen seen by the user.

The copyright notice consists of the word “copyright” or the symbol ©, the year of authorship, and the author. This notice warns that the material may not be copied, thereby precluding claims of innocent infringement and permitting injunctive relief and recovery of damages and profits. An owner can obtain further legal protection by registering her copyright. Recovery would then include statutory damages, attorney fees, and costs.

Your attorney can explain the copyright protection in more detail and assist you in registering your protectable works.

Copyright 1991 by Gary Oberst. All rights reserved. Mr. Oberst is an attorney in Norwalk, CT, concentrating in computer law. He is an associate member of ICCA F/W.