Legal Battles that Shaped the Computer Industry

Lawrence D. Graham

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A few lawsuits have changed the entire shape of the computer industry as nearly every aspect of computers has come under litigation. These courtroom battles have confused not only computer and legal amateurs, but lawyers, juries, and judges too. The result has been illogical legal opinions, reversals on appeal, and an environment in which the outcome of key legal battles is not only unpredictable but could change the industry's direction yet again. Graham surveys the past and shows how it points to the future. He illustrates how the absence of statutes specifically protecting software has frequently forced courts to simultaneously create and apply the law. Graham covers the whole spectrum of computer hardware and software, addressing the litigation that affected each part of the product chain. In 23 chapters he cuts through the legalese while still offering enough substance to introduce lawyers unfamiliar with intellectual property law to the evolving legal landscape of this dynamic and contentious industry. No prior legal background is required to understand Graham's presentation, however. The result is a comprehensive and fascinating study of this newest of new century industries, and a book that will guide —and caution!— anyone now in it or who expects to be a part of it tomorrow.

Graham shows how the course of litigation in the computer industry has substantially paralleled the growth of the industry itself. Yet, while computer law has been an active field, it is also an unpredictable one. The law governing computers was particularly sketchy prior to 1976, Graham explains, when it was unclear whether programmers had any legal rights to the software they developed. In l976 Congress modified the statutes to specify that software was indeed eligible but unfortunately offered little guidance to the courts on how to apply copyright laws to software. With each lawsuit the courts added to the sketchy foundation of copyright laws, developing the law as they went along. Graham shows that because the courts have so often made the law as they applied it, many computer-related lawsuits had an especially profound impact on the industry. By outlining this history of the development of computer law and its effect on the computer industry, Graham provides a broad outline of the state of computer law today, and a fascinating look at the industry itself.

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