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IP in Mobile Applications Development in India

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IP Rights in Mobile Apps

➢ Copyright

  ➢ Original expression on the user interface

  ➢ Copyright in code

    ➢ App platform's reservation against OSS

➢ Patents

  ➢ Novel functionality

➢ Trade marks

  ➢ Standard application of the Trademark law

➢ Design right

    ➢ Inapplicable in India

Research Questions

1. What are the decisions developers are making within their practice in terms of location of their enterprise and clients, scale of audience, funding, business models and mobile apps marketplace (app stores) ?

2.What is the awareness of the mobile applications developer and its enterprise of rules concerning code, content and design? How does re-use and sharing of code, content and design occur in the mobile application developer ecosystem ? What is the

Research Questions

3. What is the enforcement carried out by the app stores in terms of IP?

4. How does Indian Copyright law and patent law apply to the mobile applications development ecosystem, in respect of the various business models operating in the industry?

CIS' Quantitative Research

➢Surveyed **267** app developers across several Indian cities on:

  ➢ IP law

  ➢ Strategy

  ➢ Technology

  ➢ Code

  ➢ Law

  ➢ Infringement

➢A few (of 50) questions posed:

  ➢ Who owns the app?

…

➢ A few (of 50) questions posed:

  ➢ What factors influenced the decision related to ownership, contracts, licensing, and/or protection of their works?

  ➢ How is the code accessed, used and shared?

  ➢ Which of the ways has the developer protected the mobile app:

    ➢ Copyright

    ➢ FOSS license

    ➢ CC license

CIS' Qualitative Research

CIS Interviewed 10 app developers and other industry stakeholders in Bangalore. Some of the key findings are:

➢Dichotomy across developers:

To work within a large corporate body **Vs**. *for a small startup enterprise*

To develop mobile apps as one's own product **Vs.** *to develop apps as a service for anoth*

To be familiar with intellectual property **Vs.** *to disregard intellectual property*

To desire protection for one's intellectual property **Vs.** *not to care about protection for one's in*

CIS' Qualitative Research

➢Findings:

➢Openness resonated with many of the developers because of the ability to share and use others' code freely within their work

➢However, supporting the open source movement did not result in products being openly licensed

➢*Dichotomy between products licensed proprietarily and open source*

    ➢ Contracts in mobile app developing services

        ➢ Many developers work in a work-for-hire

..Findings

"The thing about contracts is it's all about a sort of differential bargaining power that the two parties have... you'll have very little control about what happens once you've got paid."

- Rahul Gonsalves,

App Designer

...Findings

➢ Question of infringement

  ➢ Various instances of infringement (according to the developers):

  ➢ Mobile app content (i.e. logos, pictures, etc.)

  ➢ Pirated apps in app stores

  ➢ "dummy apps" or imitations of another's app

  ➢ Breaching app stores user agreement

  ➢ License agreements of code created by another

  ➢ Open source licenses

Fin.