



LEGAL Q&A

Q Does ownership vest in the company who commissioned the creation of such software code?

A In order to determine ownership in software code, you must consider the origination of the code. If you or one of your employees wrote the code from scratch, then you are likely to have full ownership rights. If the company utilized the services of an independent contractor to write the code, it will need to have a work for hire agreement in place and have all ownership rights in the authored work assigned to the company. Finally, you must review whether any open source code was utilized in the creation of the software and the related license for such open source code. Some licenses require that that you make all of the code for a product integrating open source code available to the public. This may not be ideal for your business. It is critical when utilizing open source code that you acquaint yourself with the terms of its license prior to incorporating the open source code into your software to avoid any overly burdensome terms or conditions.



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