
Subject: legalities of reverse engineering
Posted by [Manualblock](#) on Wed, 11 Jan 2006 02:55:49 GMT
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This is a website article dealing specifically with the topic of reverse engineering and it's legal responsibilities.
<http://www.chillingeffects.org/reverse/faq.cgi>

Subject: Re: legalities of reverse engineering
Posted by [Wayne Parham](#) on Wed, 11 Jan 2006 14:36:02 GMT
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Good article, thanks. Glad you posted it here.

Subject: Re: legalities of reverse engineering
Posted by [Manualblock](#) on Wed, 11 Jan 2006 17:37:49 GMT
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Yes. Good to get a dis-interested third party view.

Subject: Nice find....
Posted by [PakProtector](#) on Wed, 11 Jan 2006 21:10:05 GMT
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some nice parts:"the competitive reality of reverse engineering may act as a spur to the inventor, creating an incentive to develop inventions that meet the rigorous requirements of patentability."and this one:the first sale doctrine in patent law, which allows a purchaser of a product on the open market to use it and even take it apartand this one:Since there is no time limitation on its enforceability, trade secrets can potentially provide eternal protection for software. Trade secrets terminate and become public domain information if they are publicly disclosed for any reason, however, including the widespread publication of the information on the Internet. Reverse engineering and independent discovery of the technical information within a product s are considered legally viable means of ending another's trade secret, provided that the product is obtained lawfully.Seems pretty straight forward to me. Always good to see that I have indeed paid for good advice.cheers,Douglas

Subject: Re: Nice find....

Posted by [Manualblock](#) on Thu, 12 Jan 2006 01:35:14 GMT

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Good to see the legal reasoning inprint. And that supposedly is a pretty prominent law firm.

Subject: Re: legalities of reverse engineering

Posted by [Bill Martinelli](#) on Thu, 12 Jan 2006 04:50:35 GMT

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I hate to see it so easy for people to pick apart other peoples hard work, and it gets upheld by courts. Absolutely reverse engineering will spin off fresh ideas for new and better things. So will just taking a look at something if your a good engineering designer. Personally, I feel for the most part things are reverse engineered for the simple fact to get knocked off, copied and insignificantly changed just ever so slightly so that they can skate by the law and make profits on other peoples good ideas. Free enterprise? I suppose it is. Maybe there's a lot of complainers out there but there's a LOT more good products being made by people and factories having no morels or conscience. Is standing behind the law, really all that high and mighty?

Subject: Re: legalities of reverse engineering

Posted by [Manualblock](#) on Thu, 12 Jan 2006 11:59:21 GMT

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I never engineered nothing unless you count my soap-box derby car in cub scouts. But I don't believe that is exactly what they are saying in these websites. It can be looked at another way; which is by changing the requirements ever so slightly; someone can freeze up a design in perpetuity. The point these people make is that it has been studied and proven that most restrictive covenants stifle creativity while producing very little for the designer. Lon's point that the famaily of Stan Getz can buy up his copyrighted tunes and hold them in escrow forever by renewing the copyright and thereby you will never hear the works; which were clearly meant to be available by the wishes of the composer.

Subject: Re: legalities of reverse engineering

Posted by [Bill Martinelli](#) on Thu, 12 Jan 2006 19:03:06 GMT

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Although not fair to people who want access to copy write material, or the wishes of the original

owner. Is it not the right for the person's' who now own the copy write to do as they wish? some may be handed down and other have been purchased. I see it as the copy write and privilege of the material is at the discretion of the owner. Patents are good for , say 17 years? What incentive is it for people to spend time and money to come up with a widget that someone down the road or a 3rd world country is going to knock off and sell it out from under the designer? I make horns. I didn't copy Edgar, Brooks or Tad since the design didn't appeal to me. I liked a lot of things about the Jbl horns and the Altec horns. So I took a look at those and didn't like the way the driver could mount to a wood horn. So I came up with the whole aluminum throat concept. I never liked the paper seal on horns, so I thought I would use the O-ring. Wayne ran some numbers in the Horn-Response program for me to come up with the best throat dimensions. So my horns are different from the others and I sleep at night because I'm not making a knock off. I cant get upset other wood horns that might be made, that's just silly. I think it would be a little disgusting to see wood horns with a metal throat in a similar arrangement. Why copy my stuff? people should come up with their own concept. But when a person could say this horn is a two piece build and a martinelli horn is a 4 piece build, everything else is pretty close, then a court upholds this kind of practice. Doesn't that move the needle on your bullshit meter?

Subject: Re: legalities of reverse engineering
Posted by [Manualblock](#) on Thu, 12 Jan 2006 21:52:02 GMT
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Wheew; you don't take in too much territory do you Bill? The thing about copyright is this; at what point does a persons right to control a design remove anothers right to use it? I am not a pro at this; all I did was ponder the possibilities and come down on a side I thought was the most honorable. I thought what if a guy designs a new boiler nozzle that can shoot such a fine mist that it can save the homeowner thousands of dollars over the lifetime of his home. Now say that nozzle is patented by a guy who claims he designed it. Fifty other guys had the same idea around the same time but now this guy owns the rights. Maybe he doesn't want to produce this; just lease it out. And maybe those lease rates are too high. Should one of the other fifty guys who thought of this design and who is willing to offer all of the cash strapped homeowners a fair price for this nozzle be shut down? Should this guy have the right to prevent people who need that savings from realising them out of greed?I say no.Thats how I see it. Is it fair to the guy with the patent? About as fair as it would be if he was able to stop the access to that design for everyone else. So I come down on the side of restricted access; you can't prevent a design from being produced out of a desire to be usurious. Would that stop research and developement? Well; the studies say no.I can speak to art and music; the music will be made regardless of any scheme to prevent access and the easier it is to acquire the music the more and better music seems to be made. Grey area; like the one-handed economist; on the other hand....

Subject: Re: legalities of reverse engineering
Posted by [Bill Martinelli](#) on Fri, 13 Jan 2006 03:46:31 GMT
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Well John, I'm no pro and just have my opinions. If a person or company has the right to control something. Is it not theirs. If something is controllable or you have rights to it. It seems to me that there is a form of ownership. For instance. You own a TV, It sits in your living room. Does that mean less fortunate children should be allowed to sit in your house, or take and use your TV so they can watch PBS and educate themselves, have a better life and someday because they watched the 'learning channel' have become a Nobel prize winner? All pretty far fetched right? but when it's 'your stuff' being pilfered you have a different opinion. The drug companies seem to do a damn fine job of keeping their shit 'theirs' until the patent runs out. So, if some guys invents a super atomizing annular discharge nozzle to save the free world from its evils of energy use. It would sure be nice for everyone to get to use it ASAP. worse case he patents the idea. charges an arm and a leg for this planet saving device until the patent expires in 17 years. Then, everyone can buy the generic Nozzle; wait, no I'm back on heart pills and pharmaceuticals again.

Subject: Re: legalities of reverse engineering
Posted by [Manualblock](#) on Fri, 13 Jan 2006 12:14:56 GMT
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Actually Bill after writing that I thought it might make a dumb example but...too late, the button was pushed. Funny; the underprivileged kids watching TV in your living room. So tell me; you know something about the Super Atomizing Annular Nozzle?I had a freind and I go over to his house couple summers ago. He is sitting in his lounge chair in front and there is this water hose hooked to the chair with clamps. He's got the stereo on and he's drinking a beer and on the end of the hose there is this brass contraption. I approach the chair and this mist is swirling all around him. What the F I say; he has a boiler nozzle screwed to the hose and the water pressure is turned on. It pumps this very fine mist all over him.He's cool as a cucumber sitting there. Seems the mist is so fine that it evaporates off his skin right away and cools him right down. We spent two hours planning how to market this thing; we called it "Mr Misty."We kept trying to find a way to pressurize the chairs aluminun tubes with water so it would be portable.

Subject: Re: legalities of reverse engineering
Posted by [Bill Martinelli](#) on Fri, 13 Jan 2006 22:04:50 GMT
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I'm ready to pick on your next example! Having been in the jewelry manufacturing for 25 years, I've had plenty of designs and process ripped ripped off by places using cheap labor and people touring your facility. Like the article you linked to lead me to believe, there isn't a lot a person can do. For that matter, nothing is ever settled until somebody runs out of money. People are losing sight of good values the way I see it.Play misty for me, one time... sounds like a cool idea. what if there was on the back of the chair, an arm that extended up? The arm would collapse and tuck away when the chair folds. The top of the arm could have nozzles spraying for you.you could have

a small plastic water tank that had a little hand pump to pressurize the tank and spray you if no water hose. Like the little portable misting bottles only on the line of a garden sprayer.

Subject: Re: legalities of reverse engineering
Posted by [Manualblock](#) on Fri, 13 Jan 2006 23:04:02 GMT
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Yes exactly! You sound like Dave; we tried the hand pressure tank and a compressor. The real problem was the nozzle which would be very sensitive to pressure. If the pressure was just a tiny bit off it either would not spray or blow the seals. He thought of the swinging arm and had it mounted on a track that was timed to rotate in an arc. The track was too brittle though; he used PVC and it kept splitting. And the spray had a very short range as you can guess; it had to be within about 8/10 inches from the target. Rube Goldberg; but the thing is it really did keep you cool when it worked; and the mist was so fine that it would evaporate on contact and you never really got wet. The small tank idea was good because this used so little water per hour that a one gallon tank lasted half a day. For a long time he was unemployed by choice and I got so much shit done on my house. Sadly he has returned to work. And married. Bad news. He has a scheme to buy 52 timeshares then move out of his house. Also; I don't have another example.

Subject: and the reason for a tour is?
Posted by [PakProtector](#) on Sun, 15 Jan 2006 00:03:50 GMT
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to honour your success? not bloody likely. Seems that they're up front about finding out how you do things, and then they're let in to do it. Looks like a fairly simple sol'n to me: no tours w/o hiding the good stuff. cheers, Douglas

Subject: Re: and the reason for a tour is?
Posted by [Manualblock](#) on Sun, 15 Jan 2006 01:45:33 GMT
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I ordered a Bottlehead kit once and while I was yakking with Eileen she tells me they have a guy from overseas looking at the shop he is taking pictures of the underside of the equipment. She says they are not too keen on the guy because he is asking all kinds of questions about the circuits/parts/construction methods but not ordering anything. Then he places one order she tells me; has the piece for a while; then wants to return it. Hard to believe this stuff happens so blatantly. Thing is all that stuff is pretty basic; what could be the attraction?

Subject: Re: and the reason for a tour is?
Posted by [PakProtector](#) on Sun, 15 Jan 2006 02:03:49 GMT
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Like I said: why let some body in w/o hiding important things from sight first? I have been known to use a big car cover...it's OK to let on that you're doing things which must be kept secret. So if the point is pushed, out comes a ND and NC and what ever else a solicitor could dream up for the visitor to sign, and see it they get a bit less pushy. Funny thing is, that at one point I would have been willing to hog-tie my soul in such a fashion. Glad it never came up, that's certain. cheers, Douglas

Subject: Re: and the reason for a tour is?
Posted by [Manualblock](#) on Sun, 15 Jan 2006 14:26:41 GMT
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Glad to hear you are not to be tempted. I'm tempted to swing by and stare in to your garage to find out what gives with that 2A3 amp percolating on the workbench.

Subject: come on in!
Posted by [PakProtector](#) on Sun, 15 Jan 2006 15:01:52 GMT
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because if you can divine what is going on with the 2A3 project by looking at the garage, I'll want to hire you. The work is going on in the basement, and you're welcome there anytime. Nothing secret going on, and I'll share the whole kit and caboodle with all comers. I made this same offer to the group I hosted yesterday. Nice meet, and one trooper even packed up a turntable and pre so we could spin vinyl. cheers, Douglas

Subject: Re: come on in!
Posted by [Bill Martinelli](#) on Sun, 15 Jan 2006 16:19:44 GMT
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That's all very nice Douglas, but sometimes you cant hide everything. Sure it's easy to put away the most secret and newly developing technologies. A clever person doesn't need a blueprint. just a piece of the puzzle will do. Perhaps that missing piece to his puzzle is something you think so common or insignificant that you don't even think to hide it. I hear of this happening when companies have a good customer who does a few million a year for them and they get a walk

through of the facility while on a buying trip. There's lots of examples. Now days when I go to Europe it's all but impossible to be let on a factory floor. Your open door policy is very noble, but this policy will change when your home business get larger.

Subject: Re: come on in!

Posted by [Manualblock](#) on Sun, 15 Jan 2006 20:41:41 GMT

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Yep; things are a little different when they hit home. Thats why it's hard to discuss this type of thing. I keep going back to medicine and the availability of drugs. But that argument has been done to death. No easy answer. But what about music and art?

Subject: did I miss something?

Posted by [PakProtector](#) on Sun, 15 Jan 2006 20:58:21 GMT

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Bill, Thanks for promoting me to small business owner, but it is going to have to be an honorary promotion. While it would be reasonable to make the leap, it is far too entertaining doing it for fun. I'd rather not have to keep such secrets, and nobody is making me...:) cheers, Douglas

Subject: Re: come on in!

Posted by [Bill Martinelli](#) on Sun, 15 Jan 2006 23:52:10 GMT

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your right John, I dont know, why should a painting or a song not be owned by the creator, or who ever the item was given or sold to? what make a painting any different than a refrigerator? here's a good one. how bout land? I drive down a road near the coast and I cant see the water anymore. I'd like to have a view of the water driving down the public road but there are too many houses built up.

Subject: Re: come on in!

Posted by [Manualblock](#) on Mon, 16 Jan 2006 01:55:48 GMT

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Another long winded story. Friend Al had waterfront on the Reynolds Channel in Island Park. Beautifull view; he gets the bright idea to sell one corner thinking it would cost so much money to drive pilings on the perimeter to conform to code that no one would ever pay it. Wakes up one morning to big grinding track cats hauling stuff through the right of way. Next day THUMP THUMP; piles sinking into his very expensive view. 1,300 dollars a foot and the owner did a 160 foot bulkhead. Now he has the letterbox version of his property. The music and download thing is so freakin' complicated it is never-ending. But I gotta stay on this one; you buy a radio you have the right to tape thats my position on that.

Subject: Re: come on in!

Posted by [Bill Martinelli](#) on Mon, 16 Jan 2006 04:03:45 GMT

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What to do, what to do. Sometimes what can you do? seems like nothing more often than not! So your last statement has put a very large chink in my copyright point of view. I have always believed that if you build something that was a commercial product of someone else. It would be OK if you did this for your own personal use. Now you bring up Music download. When hundreds of thousands of people download a single song for their personal use... The RIAA pulls in the feds and sends kids to jail for it. Its all stealing. What's your threshold of pain for getting caught? Do I think kids should be fined for downloading music? not really. Most of the down-loaders of music are not going to buy the music anyway. but since they have it downloaded, they or a friend might just buy something later on. letterbox beach front. sounds like a condo 20 miles long and 100 stories tall. inland people see a wall and condo people all have a letterbox view through a portal.

Subject: Re: come on in!

Posted by [Manualblock](#) on Mon, 16 Jan 2006 13:45:25 GMT

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Ha! No it's the house. See the guy by law must have a permanent bulkhead before he can build. So natureally this is cost prohibitive; to build the house than put 200k worth of bulkhead in. Murphy's law of real estate. If it can be built it will be built. So counting the bulkhead/land/house he has over 1 mil into the property. Never thought it would be worth that kind of money. Now Al looks between houses at his view. He thought he got over on the guy initially and it worked for fifteen years until the boom. Music downloads. I have one example that just occured to me. If you put free food out for the homeless and a rich guy in a limo pulls up and takes it; is it stealing? When the music is offered to the public on public airways it becomes public property. Not for you to take and perform and use to make money; but for your use as a consumer; and that includes taping for portability. I have to stand by that.
