

# INTELLECTUAL PROPERTY AND MOBILE APPLICATIONS

(PEER REVIEW)

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“Intellectual Property and Mobile Applications” takes a rigorous and practical approach to the complicated task of serving as a legal aid tool for creators of cultural and technological industries interested in the exploitation of mobile applications.

In particular, it examines the problems associated with intellectual property rights, always from a supranational viewpoint, with the stated intention of assisting business people who are currently in this market.

The work deals with issues of great complexity through a rigorous and orderly legal analysis, combining explanations of technical and legal issues with more business-oriented explanations.

The work begins with an Introduction to the mobile applications industry and the enormous legal problems encountered by application developers, who are often small or medium-sized companies without large legal departments. Subsequently, the mobile applications are analyzed from the point of view of the protection of the computer program that allows their operation. Next, the complex legal options for protecting the graphical interface of mobile applications are explained. The fourth chapter explores the possibilities of creating legal protection for the functional aspects of mobile applications, while the fifth focuses on intellectual property issues.

As regards the substantive content, the chapter section is an introduction to concepts: copyright, patent rights/utility models and trade-dress, a very useful summary for readers less familiar with intellectual property rights. This first chapter also explains the central issues of the industrial design regime and trade secrets and summarizes the application of these five protection mechanisms to the specific case of mobile applications, thus affording a practical overview to those interested in exploiting such products in the market.

The second chapter focuses on the conception of mobile applications as computer programs, explaining the basics of protection of source code and object code using intellectual property law. It also addresses the possible protection of software through patent law and trade secrets. The second part of the chapter focuses on the sensitive issue of program decompilation in order to facilitate interoperability, which is subject to complex legal regulation in both European Union and United States law, especially when combined with technological protection measures. The chapter ends with a review of problems posed by cloud storage and a summary of protection as a computer program for mobile applications that combines the strictly legal point of view with a business perspective, differentiating between the regime applicable to the decompilation limit currently in force in the countries of the European Union and that applied in the United States.

The third chapter of the book deals with an issue of vital importance to manufacturers of mobile applications: their graphic interface provides a pleasant experience for their users.

The chapter addresses the issue of GUI protection from a multidisciplinary perspective, explaining the different options that may be feasible (copyright, industrial design, trademark law and unfair competition, and even patent law). The chapter ends with an executive summary where, as in previous cases, the issue is analyzed from a cross-sectional and practical point of view, combining purely legal elements with the business perspective.

The fourth chapter deals with the delicate question of whether it is possible to protect the functional elements of mobile applications through various intellectual or industrial property rights. It begins with copyright protection, where the principle of non-protection of ideas complicates the independent protection of purely functional elements. The possibilities offered in this field by patent law and unfair competition law are subsequently analyzed and the relevant legal and business issues are summarized in the last section of this chapter.

The fifth and final chapter of the study is a collection of ideas, briefly mentioning some aspects not directly connected with exclusive rights on immaterial objects but that, nevertheless, have great practical importance for the developers of mobile applications. These include data protection, privacy, consumer law, advertising and digital rights management systems and technological measures to protect intellectual property rights. It also includes a brief but highly interesting section on the contractual aspects of user licensing and the law governing such contracts.

The work ends with a chapter entitled “Global Challenges”, recapitulating the difficulties and obstacles yet to be overcome to continue strengthening the legal security of all actors involved in the mobile applications market.

In my opinion, this work tackles a complex issue with great rigor, combining the purely legal perspective with a more practical aspect, which makes it useful not only for legal practitioners, but also for professionals in the sector. The language used is clear and direct, the work is well-written and conveys with precision and efficiency the fundamental concepts. The manual is also perfectly structured and the executive summary at the end of each chapter helps to recall the essential aspects of each section.

Its publication is recommended without substantial changes, although it might benefit from some formal correction (for example, the text of footnote 6 is missing).