## Contents

Table of Cases		vii
Table of Statutes		xi
Preface		xiii

1 Introduction
Development of the computer The computer industry How to use this book

2 Introduction to Computers for the Non-technical

How computers work Hardware Software Computers are not infallible Inescapable jargon

What is a contract? Formation of a contract Unenforceable contracts Varying a contract Whatever did they mean? Construing a contract Implied terms 'The salesman told me, but it wasn't put in writing' Just sign here: standard form contracts Outsiders to the contract: privity and assignment Broken promises: what happens if things go wrong Contracts for the sale of goods Contracts in civillaw systems Lawyers can be useful

4 Problems and Pitfalls of International Contracts

47
Antitrust: a sketch map of the minefield US antitrust Competition law of the European Economic Community Which law governs? Who should decide disputes? Technology transfer to Communist countries Technology transfer to Third World countries

5 General Principles of Negotiation 67
How to plan for negotiations Foreign negotiations Negotiating with the Japanese Negotiating with developing countries

6 General Principles of Contract Preparation 73				
Planning the contents The use and abuse of precedents General-				
purpose provisions Precedents				
7 Hardware Contracts				
Introduction Contents of the hardware contract Precedents				
8 Contracts for Custom Software Development 113				
What is 'custom' software? Common problems in custom software				
development Contents of a software development contract Prece-				
dents				
9 Contracts for Purchase and Modification of Standard Software 135				
What is 'standard' software? Licensing standard software Modify-				
ing standard software Precedents				
10 Contracts for the Use of Another's Computer 157				
Time-sharing contracts Service-bureau contracts Precedents				
5				
11 Computer-related Services 173				
Consultancy agreements Programming contracts Precedents				
12 Contracts for Manufacturers 179				
OEM contracts Distribution contracts Employment agreements				
Precedents				
13 Protection of Computer Products: General Concepts 195				
Patents Copyright Trade secrets Trade marks Unfair competit-				
ion				
14 Protection of Hardware 231				
Patent Copyright Trade secrets Trade marks				
accite copyright areas secrets areas many				
15 Protection of Software 241				
Patent Copyright Trade secrets Trade marks Extra-legal methods				
of protection Particular problems: video games Particular prob-				
lems: firmware Precedents				
Appendix United States Contract Law  289				
• • •				
Index				