



Online Ethics Center  
FOR ENGINEERING AND SCIENCE

# Who Can Change Proprietary Source Code

## Author(s)

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## Description

Derek Evans used to work for a small computer firm that specializes in developing software for management tasks. Derek was a primary contributor in designing an innovative software system for customer services. Derek is now working for a much larger computer firm. It now occurs to him that by making a few minor alterations in the innovative software system he helped design at the small computer firm his new tasks at this larger firm can be greatly simplified.

## Abstract

This case is one of thirty-two cases which address a wide range of ethical issues that can arise in engineering practice provided by the Center For the Study of Ethics in Society, Western Michigan University.

## Body

## I

Derek Evans used to work for a small computer firm that specializes in developing software for management tasks. Derek was a primary contributor in designing an innovative software system for customer services. This software system is essentially the "lifeblood" of the firm. The small computer firm never asked Derek to sign an agreement that software designed during his employment there becomes the property of the company. However, his new employer did.

Derek is now working for a much larger computer firm. Derek's job is in the customer service area, and he spends most of his time on the telephone talking with customers having systems problems. This requires him to cross reference large amounts of information. It now occurs to him that by making a few minor alterations in the innovative software system he helped design at the small computer firm the task of cross referencing can be greatly simplified.

On Friday Derek decides he will come in early Monday morning to make the adaptation. However, on Saturday evening he attends a party with two of his old friends, you and Horace Jones. Since it has been some time since you have seen each other, you spend some time discussing what you have been doing recently. Derek mentions his plan to adapt the software system on Monday. Horace asks, "Isn't that unethical? That system is really the property of your previous employer." "But," Derek replies, "I'm just trying to make my work more efficient. I'm not selling the system to anyone, or anything like that. It's just for my use -- and, after all, I did help design it. Besides, it's not exactly the same system -- I've made a few changes." What follows is a discussion among the three of you. What is your contribution?

## II

Derek installs the software Monday morning. Soon everyone is impressed with his efficiency. Others are asking about the "secret" of his success. Derek begins to realize that the software system might well have company-wide adaptability. This does not go unnoticed by his superiors. So, he is offered an opportunity to introduce the system in other parts of the company.

Now Derek recalls the conversation at the party, and he begins to wonder if Horace was right after all. He suggests that his previous employer be contacted and that the more extended use of the software system be negotiated with the small computer firm. This move is firmly resisted by his superiors, who insist that the software system is now the property of the larger firm. Derek balks at the idea of going ahead without talking with the smaller firm. If Derek doesn't want the new job, they reply, someone else can be invited to do it; in any case, the adaptation will be made.

What should Derek do now?



Suppose Horace Jones is friends with people who work at the smaller computer firm. Should he tell them about Derek's use of the software system?

## **Notes**

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Hypothetical / Fictional Case

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Cases for Teaching Engineering Ethics

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