WHO OWNS KNOWLEDGE?
ETHICAL AND LEGAL ISSUES

CHAPTER 14
Knowledge Owners

- Your knowledge is your own when transferred from parents or from one craftsman to another through apprenticeship.
- In a corporate environment, owners of knowledge are the expert, the company, and the user who acquires the knowledge automation system.
Releasing Knowledge Gained on the Job

- Unless an intellectual property agreement is signed in advance, one’s knowledge on the job is his or her own.
- Ideally, companies have the expert sign a pre-employment contract, releasing his knowledge gained during employment to the employing organization.
Legal Issues

- Regardless of where knowledge originates, when it is misused or misrepresented, liability will become an issue.
- If a knowledge repository produces the wrong solution, which causes losses or injury to others, it triggers litigation.
Liability of the Knowledge Developer

- The developer is vulnerable to charges of personal liability under the doctrine of *respondeat superior*.
  - If the designer is an employee of the company that sells the software, the firm is involved in the negligence action.
  - Either way, the company is responsible for certifying the system before it is released for commercial sale.
Liability of the Expert

- Expert involvement and potential liability vary, since limited cases have been litigated.
- If the knowledge automation system is faulty due to poor expert advice, litigation is bound to follow.
- Experts open up their knowledge to scrutiny, even when the resulting system is far removed from the expert’s control.
Liability of the User

- Users are directly responsible for proper use of the system
- By not properly using an available resource, users could be negligent by omission or “passive negligence”
Tort Law in Knowledge Management

- A special area of law that remedies wrongs between parties
- Settles contract problems between the domain expert and the employer in terms of knowledge ownership
- A business could be found negligent if it did not exercise due care in monitoring and safeguarding its intellectual property
- Misrepresenting a product is subject to litigation
Knowledge—A Product or a Service?

- If knowledge is what you say, not what you see, it can be viewed as a service.
- If knowledge is codified and packaged as a mass-marketed item, it is viewed as a product.
- Many legal experts want knowledge-based systems to be considered as services in order to avoid the strict liability associated with products.
Copyrights, Trademarks, and Trade Names

- An area that falls under intellectual property law
- Copyright is ownership of original work created by an author
- Copyright law gives author the right to exclude others from using the finished work
Copyrights, Trademarks, and Trade Names (cont’d)

- In KM, a knowledge repository and the way it is organized are copyrightable
- Logos and trademarks are also copyrightable
- On the Web, images and banners are protected by copyright laws
Copyrights, Trademarks, and Trade Names (cont’d)

- A trademark means registration of a company’s trade name so that others cannot use it.
- A trademark is also a symbol or a word that distinguishes a good from other goods.
- An outsourced Web site is intellectual property and belongs to the company under contract.
Warranties

- An assurance made by seller about the goods sold
- An express warranty is offered orally or in writing by the maker of the product
- An implied warranty is part of a sale that has been made that the good will do what it is supposed to do—implied warranty of merchantability