



CONSULTING MATTERS

A publication of the Delaware Valley Chapter of the Independent Computer Consultants Association
www.iccadelval.org

August 2004

From the President

Things are looking up

by Keith Mast
Mast Consulting, LLC
President
ICCA/Delaware Valley



Keith Mast
Mast Consulting, LLC
President
ICCA Delaware Valley

Are you ready to say “things are looking up?”

In the last 18 months, I have found myself *working harder* to compete for *fewer and smaller projects* for *less money*. And although I have been landing some of these jobs, I must continue to find new ways to market myself, improve my skills, and re-define my focus. It has also been a time when I have learned to truly value my existing customers. I am far less likely to take a client for granted.

ICCA Delaware Valley continues to help its members find work

During this difficult period, I have felt fortunate to be a part of the ICCA organization. Having a group of consultants to exchange marketing ideas, exchange possible leads, and collaborate on projects has been valuable. Fellow members have also provided me with job leads. ICCA continues to receive job leads from clients, consultants, ICCA members, and brokers. If you are a member, you should receive job notices about once a week on average.

ICCA National Website Leads

ICCA continues to rank at the top of the “computer consultant” keyword search on [Google](#) and other leading search engines. Hopefully, most of you have received a few hits from this source. Several months ago, I received a call from a manufacturing

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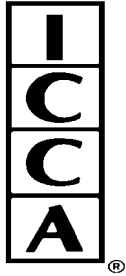
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company in Conshohocken who needed an Access consultant. They had found my name on ICCA’s website from a Google search. This month they called me again for a new opportunity that has the potential to become a three-month project. Just another reminder that ICCA is a valuable lead generator.

Improving our Job Posting System

The board is working on improving our current job posting system. At the moment, job leads are posted to iccamembers@cssi.org. These leads are then approved by one or two moderators (I am one of them). If you have a job opportunity, you can also post it to this email address. Once approved,

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**Meeting
Information
610-394-9090**

**info@iccadelval.org
www.iccadelval.org**

6:00 P.M. Networking & Cash Bar
7:00 P.M. Dinner
8:15 P.M. Meeting & Program

Entire Evening Prepaid	\$30 Members	\$40 Guest
Entire Evening at Door	\$40 Members	\$45 Guest
Networking/Speaker	Free Members	\$5 Guest

First time guests pay member rates. Prepayment must be received and cancellations for refunds must be made by Monday before meeting. Credit Cards accepted (MC, Visa, Discover). If there is more than one person in your party, we request that you pre-pay. Note that making a reservation is a promise to pay. "No-Shows" will be billed.

Mail Check Payable to:
ICCA Delaware Valley
125 N. Highland Avenue
Lansdowne, PA 19050



**TOP TOPICS at
ICCA DeVal
2003-2004**

by Kathleen Conti, WebSquared, LLC

So what have I gotten myself in??? These were the words that flashed through my mind one week after taking on the Program Coordinator position for the ICCA Delaware Valley Chapter. The success of the past years programs were due to the astute leadership of George Smith who had done a wonderful job of making sure everything ran like clockwork.

At first I had all these great ideas of things we could change, or do differently. New venues, different topics and trying to get the members involved in all the decision-making. I quickly realized that I had no idea exactly how time consuming all this would be. So now, I still have the new thoughts and ideas, but intend to implement them one piece at a time.

The first thing I decided to do was get the membership more involved in the program decision making so I sent out an email. Some of you may have seen it, it asked questions about how far you travel, how you like the current venues and what sorts of things you would like to see in the 2004-2005 program. I received 12 responses to that email all with very interesting information that I will be using to shape upcoming programs.

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**Meeting Locations:
(Please call the hotel for directions.)**

Philadelphia Airport Hilton

215-365-4150
4509 Island Avenue
Philadelphia, PA

DoubleTree Guest Suites

610-834-8300
640 W. Germantown Pike
Plymouth Meeting, PA

Clairon Hotel

856-428-2300
Route 70 & I-295
Cherry Hill, NJ

Holiday Inn Select

302-792-2700
630 Naamans Road
Claymont, DE

Join the ICCA!

**Become a part of the region's premier
association for Independent Computer
Consultants.**

Membership rates are:

- * \$100 Local Chapter Dues
- * \$175 National dues for 1 person firm
- * \$225 National dues for 2-9 person firm
- * \$275 National dues for 10+ person firm
- * \$25 National Processing fee
(1st time only)

This Translates to:

- * \$300 for a first-time 1 person firm
- * \$275 subsequent years for 1 person firm

Call 610-394-9090 to request an application, or fill out membership application on line at www.icca.org



New Member Company Profile

In each issue of Consulting Matters, we introduce you to one or more new members and firms. In this issue, we introduce you to **John Nickelson, the President of Galacticomm Software & Consulting.**

John Nickelson founded the company in 1996. He has over 15 years experience in systems development, including an 8-year tenure as a full time system analyst for the Lockheed Martin Corporation in Valley Forge PA.

At Galacticomm, he developed many complete turnkey systems for local companies including a thread manufacturer, a toy manufacturer, a book publisher and a oven parts manufacturer, to name a few.

These system's include order entry, invoicing, EDI, inventory management, general ledger, payroll, website development, network setup and maintenance.

One of Galacticomm's products, Fairway Estimating, is property damage estimating software for the insurance industry. This software is used by public and independent adjusters to handle property damage estimation for the purpose of insurance claims. When it first was released it was the only software of its kind that could imbed photos of the damaged property with the financial estimate.

In addition to his full time job running Galacticomm, John works for the Chestnut Hill college computer science department. John has helped Chestnut Hill develop a computer science curriculum as well as serving as a part-time adjunct professor.

Here, Here! Welcome, New Members!

Mark Liquori
LIQUORI, INC.

14 Lambourn Path
Sewell, NJ 08080
856-228-7553

Expertise: Web Development

John Nickelson
Galacticomm

102 Weybridge Court
Wenonah, NJ 08090
856-464-0292

galacticomm@comcast.net
www.galacticommsoftware.com/

Expertise: Software

From the President

(Continued from page 1)

the job is then sent to current members. The new system will allow users to post a job directly on our website. The jobs will still be approved by a moderator, but we intend to make it easier for users to post I.T. opportunities. Look for this new system to be implemented in the coming months.

Do you look to ICCA for lead generation?

While many members are happy to land jobs through ICCA, other members report "that is not the primary reason I joined." Many members are looking for interaction with other members, membership in a respected trade organization, or ideas of how to run their business better. Tell us about your expectations. Send an email to president@iccadelval.org

Which brings me back to "Are things looking up?"

No matter whether you rely on ICCA for leads or not, it comes down to what each of us does to find work. What we actually do on a daily basis to improve our business and generate work – that's the bottom line.

Are things looking up? I think they are. I've received more leads and phone calls in the last two months. I know two months is only a short time, but it's still a positive indicator. Hopefully, you are experiencing an increase in opportunities as well. Write and tell us what's happening in your neck of the woods.

TOP TOPICS (Continued from page 2)

Next was scouting down suitable speakers. Other than the usual list of people who have approached us to speak I have been contacting and gathering information from groups such as SCORE, federal and local branches of the SBA, local Chambers of Commerce and technology based groups trying to gather speakers with topics off the usual beaten path. At the August pizza meeting I will present the members with a list of topics and speaker options that I will ask everyone to vote on so we can make sure we are covering the topics which are important to you, the members of ICCA Delaware Valley.

Lastly, but most importantly I have been trying to finalise the first 4 speakers and locations. These will also be announced at the August pizza meeting.

It has been a whirlwind learning experience, and I have only been doing this for 2 months. I look forward to hearing more from the members (and prospective members) about suggestions for upcoming meetings. If you hear a good speaker, let me know about it. If you have a problem in your business that you would like to learn more about, let me know. I am really want the ICCA meetings to provide the most current and pertinent information to help you successfully run and expand your businesses.

Thanks and I look forward to seeing you in August.

ICCA Delaware Valley Shirts

Size S M L XL XXL
Color Green Ecru White Navy

Qty _____ @ \$25 Total Enclosed: _____

Name _____

Address _____

Email _____

Send this form with check payable to:

ICCA
125 N. Highland Ave
Lansdowne, PA 19050

Or call/email your VISA/MC/Discover card number,
expiration date, and total dollar amount of order to
610-394-9090 icca@erols.com

Shirts will be ready for pickup by the following meeting.

Next ICCA Meeting: Free Pizza Party!!

August 12th
6:30 PM - 9:30 PM

Sponsored by:



One Plymouth Meeting Suite #300
Plymouth Meeting, PA 19462
(610)941-0319

DIRECTIONS TO CITTONE INSTITUTE:

PA Turnpike to the Norristown exit of the turnpike. Follow the Germantown Pike West sign to the first traffic light. At this light, turn left onto Plymouth Road. Follow Plymouth Road to the first light, which is Germantown Pike West. Turn right onto Germantown Pike. Stay in your right hand lane and turn right into the Plymouth Meeting Mall entrance. Follow this access road past the old IKEA building on your right. You should then turn left into the parking lot that extends out from the Mall.

Use the side entrance near Boscov's to enter the corporate building (not the Mall entrance). This entrance will place you in front of the elevator bank. Take the elevator to the 3rd floor and exit to your right. Follow the corridor down to the Pizza Party room!

Please contact Linda @ 610-394-9090 or
info@iccadelval.org to register.

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● **Consulting Matters** always welcomes newsletter
● article submissions. If you have an article that would
● be of interest to the computer consulting community,
● send your article to:
● newsletter@iccadelval.org.
●
● MS-Word or plain text is preferred. Article submission
● deadline for the September Issue of *Consulting Matters*
● is **August 24th**.
●
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Copyright Registration and Other Stupid Legal Tricks

by Frederic M. Wilf

Here's the punchline. You should file copyright applications and designation of agent forms. And you should put copyright notices and other notices on the stuff you create. It's easy, and you don't need to pay a lawyer to do it, unless of course you want to pay a lawyer.

Let's talk about you. You or your company own software that you wrote, a web site, a blog, brochures, photographs, and other materials. Let's call these materials "works" because that's the term copyright law uses to refer to them.

Your works may be worth a little, or they may be worth a great deal of money. At the very least, some of your works are valuable to you. Most or all of your works are "automatically" protected by copyright law if they are original to you and non-trivial.

If they are automatically protected, why file applications with the Copyright Office? You may not think you need to bother with copyright registrations or other forms unless and until it's time to sue an infringer. Unfortunately, if you want to protect your works under United States law, not filing copyright applications is like leaving money on the table.

While U.S. copyright law protects many different types works, if you are a U.S. resident or citizen who creates your works in the United States, you are not permitted to file a copyright infringement law suit in a United States court, unless and until your works are registered with the U.S. Copyright Office.

Worse, under U.S. law a judge cannot award you the two best infringement remedies in the law (regardless of whether you created the works inside or outside the United States), unless you filed a copyright application before the bad guy made infringing copies of your work, or, if you distributed your work to the general public (e.g., a publicly-available web site) you filed a copyright application within three months of the date you first distributed your work to the general public.

Attorney's fees is one of the infringement remedies you lose by not filing a copyright application before the infringement begins. In an infringement case, the judge is encouraged (but is not required) to award attorney's fees to the prevailing party, but the judge is not permitted to award attorney's fees to a copyright owner who filed a copyright application after the infringement began.

"Statutory damages" is the other infringement remedy. "Statutory damages" means the judge awards the copyright owner between \$200 at the low end (if the infringer has some reason to believe she wasn't an infringer) and \$150,000 at the high end (if the infringer knew she was infringing and did it anyway) for

each work infringed. So, if you filed a copyright application to protect your web site before an infringer copied it to her URL, then you can ask the judge for an award against the infringer of \$150,000 plus your attorney's fees and court costs. The judge may not award you everything you ask for, but you have the right to ask.

Without attorney's fees and statutory damages, you may still ask the judge for actual damages (the actual amounts of money that you lost and the infringer made, if any), and you may always ask the judge for an injunction (e.g., an order that the infringer has to return or destroy all copies of your work). However, actual damage are often lower than statutory damages, and your attorney's fees may be considerable (if well earned).

So, if you or your company own software, text, graphics or anything else protected under copyright law, you should file a copyright application for each work that is worth suing an infringer over, even if you are not sure whether you would ever sue. Filing copyright applications keeps your options open and, if you do sue an infringer, you may recover a much greater amount of money.

What's a "designation of agent" form? A designation of agent form helps immunize a service provider (including web site owners) from copyright infringement claims for third party material. If you have a web site, blog, chat room, or other online site that includes or allows third party comments, graphics, text, software and the like, then, if you have filed a designation of agent form, you would not be liable if some other copyright owner claims that something on your site infringes her copyright.

Let's say, for example, you allow your users to post messages, graphics and software to your web site. One of your users, Jackie Jones, posts a program that she is proud of. Another user, Stephanie Smith, looks at Jones' program and says that Jones ripped her off. Jones denies the allegation.

Then, it escalates. Smith threatens to sue you if you don't pull Jones' program off your web site. If you had filed a designation of agent form, then you could take down Jones' program, and you would not be liable to either Jones or Smith. Then, if Jones sends you a notice asking you to restore her program to your web site, you would have the option of restoring or not restoring Jones program to your web site; and whatever you decided, you would still not be liable to either Jones or Smith.

How do you file these forms? To register a copyright, you submit to the Copyright Office a complete and signed application form (which is a two page, fill-in-the-blank form), a copy of the work (called a "deposit"), and a filing fee of \$30.

There are several different types of copyright application forms.

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Copyright Registration and Other Stupid Legal Tricks

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For example, most software and most web sites require a "Form TX," while most photographs and graphics require a "Form VA." The forms are available in Adobe Acrobat format from the Copyright Office's web site at <http://www.copyright.gov/forms>, and may be filled out on screen, printed out, and sent to the Copyright Office with the deposit and the check. Additional information on how to fill out the forms and the registration process is found on the same web site at <http://www.copyright.gov/circs>. The Copyright Office will also mail hard copy forms to you if you call the Copyright Office at 202-707-3000, and follow the prompts of their voicemail system.

The deposit requirement does change from one type of work to another. For software that, when printed, is less than 50 pages of source code, you send the Copyright Office one copy of the entire source code. If the source code is greater than 50 pages printed, send the Copyright Office the "first 25 pages" of source code and the last "25 pages" of source code. If the source code is modular, send the first 25 pages and the last 25 pages that would come out of your printer if you were to print all of the source code for all of the modules of the program. For web sites, a deposit can be hard copy of each page of the web site, or it can be a CDROM containing the entire web site plus 10 pages in hard copy.

Although copyright applications are pretty simple (they are easier to fill out than it sounds in this article), designation of agent forms are even simpler. The form is a single page in Adobe Acrobat that may be downloaded from the Copyright Office at <http://www.copyright.gov/onlinesp/agent.pdf>. Fill out the form, send it in with a \$30 check, and you're done. Later on, if you want to change the form (e.g., if you have add a new domain name or two), prepare and file an amended designation of agent form which is available on the Copyright Office web site at <http://www.copyright.gov/onlinesp/agenta.pdf>. For more information on designation of agent forms, see <http://www.copyright.gov/onlinesp/>.

What about copyright notices? Copyright notices are completely optional, but are highly recommended. You don't lose anything by not having them, but it's a good idea to put a copyright notice on any work that you don't want other people to copy without your permission. The copyright notice consists of three parts. The first part is the word "Copyright" or the "Copr." abbreviation or the circle-C "©" symbol (you don't need more than one of these although some copyright owners use two of the three). Note that the letter "C" in parentheses "(c)" is a poor substitute for the circle-C © symbol.

The second part of the copyright notice is the year of first publication, but only if the work is "published," which in copyright law means the work is made available to the general public. If the work is not published, leave out the year of first publication. The third part is the name of the copyright owner.

You could also add additional information, such as "All Rights Reserved" or a statement, such as, "This work may not be reproduced, distributed or stored without the prior written permission of the copyright owner," but these phrases are not needed.

As an example, the program written by Jackie Jones was published for the first time when she placed it on your web site. Her copyright notice reads: © 2004 Jackie Jones.

The bottom line. Copyright applications and designation of agent forms are relatively cheap and easy to process, but they provide meaningful protection. You don't need a lawyer to process the applications. If you make a mistake with these forms, you can usually fix that mistake at a later date.

The cost-benefit analysis for copyright applications generally is that you should file an application for any work (1) that can be stolen or infringed, (2) that is worth the \$30 filing fee and your time to process the application, and (3) that is worth your sending a cease-and-desist letter to an infringer or suing an infringer.

About the Author:

Fred Wilf practices business, technology and intellectual property law and dispute resolution, with a focus on computer, Internet and other information technology issues and companies. He is a special counsel with Morgan, Lewis & Bockius LLP, where he is a member of the firm's Technology, Commercial and Outsourcing Practice Group. Fred represents electronic commerce and "dot com" companies, computer software and hardware developers, vendors, consultants, publishers, and users.

In 2001, the Independent Computer Consultants Association awarded Fred the Milton Schwartz Award "for outstanding legal contributions to the computer consulting industry and to the Association." Fred may be reached at the firm's offices at 1701 Market Street, Philadelphia, PA 19103-2921, and online at fwilf@morganlewis.com. This article is © 2004 Frederic M. Wilf.

August Tech Calendar

12-Aug

ICCA Del Val Chapter Meeting
Free Pizza Party
The Cittone Institute
One Plymouth Meeting Suite #300
Plymouth Meeting PA
6:30 PM - 9:30 PM
www.iccadelval.org

17-Aug

NWCT- Luncheon
12:30
Sawan's Mediterranean Bistro
116 South 18th Street
Philadelphia, PA 19103
215-568-3050

24 - Aug

IEEE - NJ Computer Chapter
"Digital Libraries: An Introduction"
7:00 PM
(pre-meeting buffet at 6:00 PM)
Public Meeting Room
Morris County Library
30 E. Hanover Ave
Whippany, NJ.
Contact: Seth Jakel
(973) 731-1902
sgjakel@comcast.net

26 - Aug

Business After Hours (Networking)
Chocolate The Exhibition
5:30 P.M. - 7:30 P.M.
Registration ends Wednesday,
August 25, 2004.
Members: \$ Free
Non-Members: \$ 30
Member Table: \$ 125
The Academy of Natural Sciences
900 Benjamin Franklin Parkway
Philadelphia, PA
Contact: Monika Zadroga
(215) 790-3675
mzadroga@philachamber.com

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