



SOFTWARE  
PATENT

# Software Patents

**Alexandru Cristian Strenc**

## Software Patents:

**Software Patents** Gregory A. Stobbs,2012-01-01 Never before has one resource broken down the process for drafting software patent specifications and claims into manageable segments Software Patents Third Edition will show you how to draft accurate complete patent applications applications that will be approved by the patent office and that will stand in court if challenged It discusses what a software patent is and the legal protection it offers who holds software patents and for what inventions and the steps you can take to protect software inventions in the worldwide marketplace The book also explores internet and e commerce patents and information protection using the software patent Completely revised and updated in a new looseleaf format Software Patents Third Edition is your authoritative source for expert guidance on Strategic software patent protection Prior art searches Drafting claims Drafting the software patent specification Requirements for software patent drawings Patent Office examination guidelines International software patent protection Beta testing software inventions Integrating software patents with industry standards Invalidity defenses in software patent litigation

Software Patents Knut Blind,Jakob Edler,Michael Friedewald,2005-01-01 There has been continued debate in Europe over whether to change the patentability of software or so called computer implemented inventions and to follow the US model of allowing software patents The European debate has shown a severe lack of empirical analysis on the possible impact of software

patenting that goes beyond interest driven rhetoric This book seeks to address this shortcoming by taking a two fold approach Firstly a survey of German software companies provides a representative overview of both general strategies to protect inventions and opinions regarding the future IPR regime in the context of innovation strategies including the importance and use of Open Source software Secondly a series of case studies illustrate the varying impacts that patents and other protection strategies can have in specific contexts This book provides both a theoretical overview of the economic impacts and policy implications of software patents and an empirical foundation upon which to base a discussion on how to shape the intellectual property regime for software

*Inventing Software* Kenneth Nichols,1998-04-16 Since the introduction of personal computers software has emerged as a driving force in the global economy and a major industry in its own right During this time the U S government has reversed its prior policy against software patents and is now issuing thousands of such patents each year provoking heated controversy among programmers lawyers scholars and software companies This book is the first to step outside of the highly polarized debate and examine the current state of the law its suitability to the realities of software development and its implications for day to day software development Written by a former lawyer and working software developer Inventing Software provides a comprehensive overview of software patents from the lofty perspectives of legal history and computing theory to the technical details and issues of actual patents People interested in the legal aspect of software patents will find detailed technical analysis of actual patented software the legal strategies behind the wording of the patents and an analysis of the ease or difficulty of detecting infringements Software

developers will find ways to integrate patent planning into their standard software engineering practices and a practical guide for studying and appraising their competitors patents and safeguarding the value of their own Intended primarily for programmers and software industry executives and managers Inventing Software will also be useful illuminating reading for attorneys and software company investors

*European Software Directives and European Software Patents* Alexandru Cristian Strenc,2017-05-17 Derived from the renowned multi volume International Encyclopaedia of Laws this monograph provides a survey and analysis of the rules concerning intellectual property rights in European Software Directives and European Software Patents It covers every type of intellectual property right in depth copyright and neighbouring rights patents utility models trademarks trade names industrial designs plant variety protection chip protection trade secrets and confidential information Particular attention is paid throughout to recent developments and trends The analysis approaches each right in terms of its sources in law and in legislation and proceeds to such legal issues as subject matter of protection conditions of protection ownership transfer of rights licences scope of exclusive rights limitations exemptions duration of protection infringement available remedies and overlapping with other intellectual property rights The book provides a clear overview of intellectual property legislation and policy and at the same time offers practical guidance on which sound preliminary decisions may be based Lawyers representing parties with interests in European Software Directives and European Software Patents will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative intellectual property law

*Software Rights* Gerardo Con Daz,2019-10-22 A new perspective on United States software development seen through the patent battles that shaped our technological landscape This first comprehensive history of software patenting explores how patent law made software development the powerful industry that it is today Historian Gerardo Con Daz reveals how patent law has transformed the ways computing firms make own and profit from software He shows that securing patent protection for computer programs has been a central concern among computer developers since the 1950s and traces how patents and copyrights became inseparable from software development in the Internet age Software patents he argues facilitated the emergence of software as a product and a technology enabled firms to challenge each other s place in the computing industry and expanded the range of creations for which American intellectual property law provides protection Powerful market forces aggressive litigation strategies and new cultures of computing usage and development transformed software into one of the most controversial technologies ever to encounter the American patent system

**Software Patents** Knut Blind,Jakob Edler,Michael Friedewald,2005 There has been continued debate in Europe over whether to change the patentability of software or so called computer implemented inventions and to follow the US model of allowing software patents The European debate has shown a severe lack of empirical analysis on the possible impact of software patenting that goes beyond interest driven rhetoric This book seeks to address this shortcoming by taking a two fold approach Firstly a survey of German software companies provides a

representative overview of both general strategies to protect inventions and opinions regarding the future IPR regime in the context of innovation strategies including the importance and use of Open Source software Secondly a series of case studies illustrate the varying impacts that patents and other protection strategies can have in specific contexts This book provides both a theoretical overview of the economic impacts and policy implications of software patents and an empirical foundation upon which to base a discussion on how to shape the intellectual property regime for software Thus this volume will be of interest to industrial economists and students as well as legal scientists and analysts and students of governance in innovation systems It will also appeal to all policy stakeholders dealing with IPR issues and or software developing industries

Software Patents Eric Sutton,2017-07-31 Software Patents A Practical Perspective is a concise explanation of software patent law with an emphasis on recent developments in the courts and at the patent office The book is intended to help law students and patent attorneys quickly catch up on these recent developments The book may also be helpful for engineers who already have some familiarity with patents

**Legal Protection for Computer-Implemented Inventions** Sabine Kruspig,Claudia Schwarz,2016-04-24

As a result of the incorporation of computer software into countless commercial and industrial products the patentability of software has become a vital issue in intellectual property law This indispensable book provides an overview on the current status of computer implemented inventions in patent law across Europe and major jurisdictions worldwide A hugely practical field research tool with guidance based on case law it examines the major hurdles in each particular country and describes the best practice to be adopted Clearly showing how enforceable software patent applications can be competitively drafted and how a patent portfolio for computer implemented inventions can be established in several countries without spending money unnecessarily on problematic examination proceedings this book covers such issues and topics as the following claim categories for patent applications sufficient level of abstraction breadth of the claimed invention fundamental terms of computing and terminological traps probability for patents dependent on software application areas and patents in core areas of computing With separate chapters for the key countries Germany the United Kingdom France the United States China Korea Japan India and the European Patent Office the legal situation for computer implemented inventions in each country or region this book includes guidance on prosecution under national law analyses of relevant court decisions practice checklists and an outlook on future developments The authors describe claim formulation based on actual cases and on principles of computer science in order to show what might be or might not be patentable in each jurisdiction With this incomparable resource patent attorneys and patent professionals in companies will get a basis for making decisions about the most appropriate jurisdictions in which to file patent applications This book will also be of great value to computer professionals who are affected by the protection of software or who are actively involved in the protection of software by patent law

Patenting Software Under the European Patent Convention Keith Beresford,2000 A guide to how to prepare a successful software patent application This report deals specifically with the patenting of software under

the European Patent Convention clarifying the boundaries and procedures in a confusing area of practice It also provides a useful compendium of relevant cases These case summaries are supported by commentary which should help the practitioner understand the context and importance of the decisions

**Electronic and Software Patents** Steven W. Lundberg,Stephen C. Durant,2000

Now there is a focused practical reference to help you draft prosecute manage a strong portfolio of patents in the fast changing specialty of electronic software patent law This total strategy guide will help you deal with today s lightning paced technological developments changes in PTO policy pivotal court rulings In this step by step resource more than 30 practitioners handpicked for their experience in this challenging specialty give you perspective tactics including guidance on tough decisions such as whether to seek patent protection at all how to search for evaluate prior art how to use trade secret copyright law in conjunction with your patent strategy how to draft your claims for broad yet distinct interpretation succinct useful lessons on preparing computer related patent applications under Alappat its progeny the PTO s examination guidelines compelling insights on drafting with the appropriate scope the unique software related aspects of the best mode enablement written description requirements of Section 112 candid practice tips traps for each step of the patent prosecution process including the 10 types of patent prosecutions how to deal with each one international survey of the statutes regulations case law of more than 40 nations plus basic global principles of patentability plus two sample patents a timesaving practice checklist a case table an exhaustive topic index No other resource gives you such specific practice oriented guidance for maneuvering through this dynamic I P area Use it to determine when to seek or not to seek a software or electronic patent craft strong defensible patent specifications claims save precious time in the complex patent prosecution process protect competitive information with the full range of I P protections develop manage a strategic powerful portfolio of domestic foreign patents

*Biotechnology and Software Patent Law* Arezzo, E. Ghidini, G.,Gustavo Ghidini,2011 The art of editing is to bring contributions together which melt into one book This is what Emanuela Arezzo and Gustavo Ghidini have achieved with their own critical mind by composing a book of papers in which internationally renowned experts measure the tensions created for the patent system by the needs and problems of protecting biotechnological and software inventions All together they present a comparative law challenge to the very fundaments of patent protection As such they are or may become a must read Hanns Ullrich College of Europe Bruges Belgium Arezzo and Ghidini have put together a fine collection of essays addressing developments in patent law from general themes to emerging ones in the infotech and biotech sectors It is notable that the international array of authors includes contributions from both established and rising young scholars all of them ably tackling difficult issues that merit our attention Rudolph J R Peritz New York Law School US The new millennium has carried several challenges for patent law This up to date book provides readers with an important overview of the most critical issues patent law is still facing today at the beginning of the twenty first century on both sides of the Atlantic New technological sectors have emerged each one with its own features with regard to innovation process and pace From the

most controversial cases in biotech to the most recent decisions in the field of software and business methods patent patent law has tried to stretch its boundaries in a way to accommodate such new and controversial subject matters into its realm Biotechnology and Software Patent Law will strongly appeal to postgraduate students specializing in IP law international law commercial and business law competition law as well as IP scholars academics and lawyers

### **Legal Protection for**

**Computer-Implemented Inventions** Claudia Schwarz, Sabine Kruspiig, 2025-09-23 As a result of the incorporation of computer software into countless commercial and industrial products the patentability of software and inventions in the area of Artificial Intelligence has become a vital issue in intellectual property law This indispensable book provides an overview of the current status of computer implemented inventions in patent law in major jurisdictions worldwide and in Europe A hugely practical field research tool with guidance based on case law it examines the major hurdles in each particular country and describes the best practice to be adopted The legal situation in the key countries is summarized based on a list of twenty seven law related questions providing a condensed overview Clearly showing how enforceable software patent applications can be competitively drafted and how a patent portfolio for computer implemented inventions can be established in several countries without spending money unnecessarily on problematic examination proceedings this book covers such issues and topics as the following important case law in particular before the European Patent Office EPO for technicality issues sufficient level of abstraction versus breadth of the claimed invention how to overcome typical objections in the respective national examination proceedings best practice examples and case studies comparing different national peculiarities in the area of computing With separate chapters for the EPO and the key countries Germany the United States China Korea Japan and India the legal situation for software related inventions in each country or region this book includes guidance on prosecution under national law analyses of relevant court decisions practice checklists and an outlook on future developments The authors describe claim formulation based on actual cases and on principles of computer science in order to show what might or might not be patentable in each jurisdiction With this incomparable resource patent attorneys and patent professionals in companies will get a basis for making decisions about the most appropriate jurisdictions in which to file patent applications This book will also be of great value to computer professionals who are affected by the protection of software or who are actively involved in the protection of software by patent law

*The Patentability of Software* Anton Hughes, 2019-02-18 This book explores the question of whether software should be patented It analyses the ways in which the courts of the US the EU and Australia have attempted to deal with the problems surrounding the patentability of software and describes why it is that the software patent issue should be dealt with as a patentable subject matter issue rather than as an issue of novelty or nonobviousness Anton Hughes demonstrates that the current approach has failed and that a fresh approach to the software patent problem is needed The book goes on to argue against the patentability of software based on its close relationship to mathematics Drawing on historical and philosophical accounts of mathematics in pursuit of a better

understanding of its nature and focusing the debate on the conditions necessary for mathematical advancement the author puts forward an analytical framework centred around the concept of the useful arts This analysis both explains mathematics and therefore software s nonpatentability and offers a theory of patentable subject matter consistent with Australian American and European patent law Patent Protection for Computer Software ,1989 **Not So Patently Obvious** Eric Stasik,2007 Not so Patently Obvious provides a brief history of patenting software in the U S and Europe and the Trouble with Patents in the Digital Age When the software industry was young software patents did not exist The USPTO didn t issue its first software patent until 1981 Since then tens of thousands of software patents have been issued on both sides of the Atlantic Anyone can be an infringer and many are Microsoft is reported to be at any given time defending themselves against 30 to 35 patent infringement lawsuits It has been suggested that the Linux kernel might infringe as many as 283 U S patents Blockbuster awards such as the 450 Microsoft was ordered to pay a tiny patent holding company named Eolas are fundamentally changing the way the software industry does business Economists politicians scientists academics legal experts engineers and computer programmers are all asking if this proliferation of software patents makes any sense There is a growing unease that the patent system has derailed and is going to take the software industry off the tracks with it At the same time it is increasingly clear that without patent protection it is impossible to protect the competitive advantages that result from technical innovations in software technology These two points of view collided last year in the European Parliament s debate over the European Commission s Directive for Computer Implemented Inventions A bitter and implacable row erupted over the Commission s Directive which was defeated with both sides claiming victory This book steps away from the rancour of the debate over software patents and takes a fresh look at the issue Eric Stasik author of Patent or Perish and founder of the patent engineering firm Patent08 [www.patent08.com](http://www.patent08.com) takes the reader through a brief history of software patents explains some of the problems this has created and illustrates why society still struggles with what Thomas Jefferson described as the difficulty of drawing a line between the things which are worth the public embarrassment of an exclusive patent and those which are not As Jefferson realized the answer is not so patently obvious Software Patents - Boon or Bane for Europe? Andreas Grosche,2010 Software patents have been making the headlines recently In the EU after the European Parliament has rejected a controversial proposed Directive on the patentability of computer implemented inventions in July 2005 the debate is far from over The Commission continues to pursue policies expanding the reach of intellectual property rights while the controversies have exposed issues that call for a more cautious approach demanding justification for further extension of IP difficult to provide in general and probably impossible with respect to computer software as the evolution of information technology reveals fundamental incompatibilities with the patent system Thorough analysis of the historical development of IP as well as that of computers and their programs both as a science and with its economic implications as an industry combined with the international comparison of experiences with and alternatives to

patents covering software provide convincing reasons to keep patent law within its established confines supported by the European Patent Convention separating patentable subject matter from unpatentable mental acts business methods and mathematics *Computer Software* United States. Congress. Office of Technology Assessment, 1993 **Software Patents** Gregory A. Stobbs, 1997-01-01 **The International Computer Software Industry** David C. Mowery, 1996 This is the first book to provide comparative research data on the software industry in three major parts of the world the U S Japan Western Europe and the Russian Federation It explores the reasons that some countries have had more success in software development than others The book looks at the role of government in fostering software development the importance of protecting intellectual property rights to stimulate development the separation of hardware and software development and the ways in which industry structures are likely to change or stay the same in the future The research was conducted by a group of international experts in the software industry **The Evolution and Economic Impact of Software Patents** Achille Maria Canfora, 2011-07 The granting of computer program and electronic business method patents has raised doubts and concerns among researchers in economics and among supporters of open source software The patent systems in the US and in Europe and their economic impacts are different and have been analyzed in recent studies The following work is intended to highlight the current set of knowledge on the economic impact of software patents in the United States and Europe and the impact that the less permissive European system has on the diffusion and use of open source software In this work a brief evolution of the software industry is presented Scientific papers that analyze empirically the questions of software patent quality and the impact on the innovative activity caused by such patents are reported The main theories on the economic motives of open source software are studied and reviewed in light of recent changes to the economic system Lastly the industry and economic effect of the diffusion of open source software in Europe and the problems with computer implemented inventions patents are evaluated

Software Patents: Bestsellers in 2023 The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous engrossing novels captivating the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the fascinating narratives that have charmed audiences this year. Software Patents : Colleen Hoovers "It Ends with Us" This touching tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Software Patents : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a exceptional and thrilling novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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