Legal Protection for Computer-Implemented Inventions

A Practical Guide to Software-Related Patents

Sabine Kruspig & Claudia Schwarz

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.

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