



Title	The Software and Business-Method Patent Ecosystem
Subtitle	Academic, Political, Legal and Business Developments in the U.S. and Europe
Parallel title	
Author(s)	Soininen, Aura
Corporate author	
Commissioned by	
Series, number, ISBN	IPR Series B:1
Publication date	December 2005
Size	120 pages, 745 kB (pdf)
Publication type	Academic Essay
Research project	
Academic thesis	Part of Doctoral dissertation
Refereed	Yes (Autumn 2005)
Language	English
Conference	
Publisher	IPR University Center
Notes	

Abstract:

Ever since software and hardware were unbundled, and the commercial value of software was realized, there has been increasing focus on software patents as a means for appropriating returns on R&D investments and leveraging. Business-method patents have also been attracting research interest from the time when the Internet's commercial potential was recognized. Nonetheless, there are lapses, gaps, and numerous contradictions in these studies. In fact, the debate concerning the recently rejected EU software-patent directive proposal was a good illustration of the lack of knowledge and consequent miscommunication. There is a need for interdisciplinary research on software and business-method patents in the context of the entire patent ecosystem.

The objective of this paper is to provide the necessary common ground by examining four interconnected and partially overlapping trends—academic, political, legal and business developments—and pointing out problems and misunderstandings related to software and business-method patents. This paper also contributes to the related discussion by providing empirical data on ICT companies' patent strategies and thus combining theoretical views and practice. On this basis it aims to give a well-reasoned glimpse into the future: as markets for technology advance, it is probable that firms become even more interested in patents and their strategic potential. In the long run, however, the industry matures. As various technologies become commoditized, technological development slows down, and firms move towards service-oriented business models, the availability and relevance of ICT-patents is likely to decrease and that of pure business-method patents to increase. On a policy level, we appear to be heading towards more limited patent protection.

Keywords:

Tietotekniikka, liiketoiminta, patentit
Software, business, patents