

## SOFTWARE PATENTS WORLDWIDE

### Author Guide

#### [A] Aim of the Publication

Today's patent attorneys and counsel representing clients involved with software must be able to access reliable information on patent processes worldwide. *Software Patents Worldwide* is the only resource providing expert insights and how-to guidance on drafting patent claims in the world's key markets, which means you can practice with confidence and avoid errors—even in unfamiliar territory. A brand new resource, *Software Patents Worldwide* covers both mature and developing systems, enabling you to ask the right questions in each circumstance. This one-of-a-kind resource will help you answer key questions such as:

- What is the proper procedure for obtaining a software patent?
- How do we enforce our patents?
- Is it even worth obtaining a patent in this jurisdiction?
- How do the requirements of one jurisdiction compare to those of another?
- How is the country's Patent Act interpreted by local courts?
- And more

Each chapter of *Software Patents Worldwide* follows the same outline, making it easy to find information quickly—and compare jurisdictions!

#### [B] Contact Details

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#### [C] Outline

##### A. SOFTWARE PATENTS IN COUNTRY / REGION – AN INTRODUCTION

1. Frequently Asked Questions about software patents - particularly applicable to the Country/Region

*If the reader looks at nothing else – this section will contain the short answer to the most common questions.*

2. Introduction to the legal system of the Country/Region

## Court System

- *How software patent litigation is handled - practical aspects: e.g., fee structures; what percentage of cases go to trial*
- *Where infringement litigation is brought; who can represent the litigants*

## Patent System

*How the Patent Office is organized; how the process works; how long it takes; what influences the cost; who can represent the litigants*

### 3. Overview of the software industry in the country / region

- *Software production in the country/region*
- *The market for software products in the country/region*

## B. LEGAL BASIS ACCORDING TO CURRENT PATENT ACT

### 1. Patentable (Statutory) Subject Matter

- *Specific Definition of Technical Character or Utility Requirement*
- *Matter Excluded from Patent Protection*

### 2. Novelty, Non-obviousness, Inventive Character

## C. HOW THE PATENT OFFICE INTERPRETS THE PATENT ACT

### 1. Patent Examination Guidelines in general

- *Specific Guidelines for software patents (if any)*
- *Specific Guidelines for business method patents (if any)*

## D. HISTORICAL DEVELOPMENT

### 1. Where and when the Country/Region's patent law came from - a brief history

### 2. Prior Patent Acts and/or Treaties that influenced current law (if any)

### 3. Noteworthy Case Law - having specific applicability to computer programs, software, business methods

## E. FIELDS OF TECHNOLOGY (FOT)

### 1. Specific noteworthy or interesting examples that demonstrate the scope of protection afforded to software patents in the Country/Region

- *Patentable FoTs according to Case Law, or patent office decision*
- *Not Patentable FoTs according to Case Law*
- *Special comment on the business method patent*

## F. INFRINGEMENT AND ENFORCEMENT

### 1. Statutory Basis for software patent enforcement

### 2. Jurisdictional issues - where suit to enforce a software patent may be brought

### 3. How the software patent litigation is conducted

- *e.g., what types of issues are tried when and who decides*

### 4. How damages are assessed and enforced; how injunctions are awarded and enforced

### 5. Noteworthy Case Law - having specific applicability to enforcement of software patents

## G. FUTURE DIRECTIONS

1. Where we are today
2. A Forecast for the future