



Software and Business Methods Patents: Case Law Evolution and Market Strategies

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In this paper we explore the evolution of the software industry and the increasing importance of patent protection. Through a set of case law, we show that the various American Courts of Justice for the one hand and the European Patent Office (EPO) on the other hand have the same point of view by granting software patents. We put in light the crucial decisions that conduct to this situation. The same cannot be said, however, for another specific object: business methods. These systems, deeply involved in e-business, are perceived, on a legal point of view, in different way in Europe and in the US and accorded different levels of protection on either side of the Atlantic. We give also some figures of this phenomenon. They show the possible business methods protection in Europe in spite of the common argument of non-patentability of these systems in Europe. Furthermore, we also focus our attention on the effects of the intense use of industrial property on software and business methods, in terms of innovation, competition and the sharp rise in litigation.