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The Patentable Subject Matter of Business Method Patents: An Analysis from a Perspective on Comparative Law

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Abstract

This thesis first in Chapter II defines and identifies business method software under modern computer software architecture so as to form the foundation on which the patentable subject matter of business method software can be further analyzed. In Chapter III follows an overview of how patenting business method software impacts on industry and patent examination practice. Chapter IV analyzes whether business method software qualifies as patentable subject matter from a perspective on comparative legal research in American laws, Japanese laws and the European Patent Convention, and explicates that most of the business method patents granted are unqualified under the interpretation of current ROC Patent Law; this Chapter also reviews the “Examination Guidelines for Computer-Related Software Inventions” promulgated by the Intellectual Property Office from a different perspective and illustrates thereof with a business method patent granted by the Intellectual Property Office. Chapter V concludes this article by offering personal opinions on business method patent and proposing the direction

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for future patent protection.

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