



POSITION STATEMENT

COMPUTER INDUSTRY PATENTS

*Adopted by the IEEE-USA
Board of Directors, 19 November 2010*

IEEE-USA encourages the protection of all intellectual property rights associated with computer-based products sold in domestic and international markets, including copyrights, trademark rights, trade-secret rights and patent rights. Therefore, we believe that U.S. development of high-value software products that control programmable machines to achieve useful, novel and unobvious products and processes should be encouraged by promoting the incorporation of high intellectual content into these computer software products; and establishing and maintaining worldwide protection for the intellectual property rights associated with this intellectual content.

Patents have been an important factor in motivating business leaders and investors to finance the research and development necessary to create new products and new technologies. U.S. patent laws provide that a person is entitled to a patent on an invention that is useful, novel and unobvious over art known at the time of the invention.

We specifically recommend the patenting of computer program-related inventions that meet the strict statutory criteria imposed for patents. Engineering work product in the computer arts that meets the statutory criteria should be eligible for patenting - without discrimination - just as inventions in any other technology.

We also think that improperly granted patents in any technical area hinder industry and the advancement of technology. It is important to ensure that U.S. Patent and Trademark examiners provide high quality examination of computer technology claims. We specifically recommend that the U.S. Patent & Trademark Office take all necessary steps:

- to improve the collection of prior art used by patent examiners in making patentability decisions in computer program-related inventions, and
- to raise and maintain the level of accessibility and search methodology in computer program-related examining to help ensure that only quality patents are issued

This statement was developed by the IEEE-USA Intellectual Property Policy Committee and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA advances the public good and promotes the careers and public policy interests of more than 210,000 engineers, scientists and allied professionals who are U.S. members of IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE or its other organizational units.