

Popular Science Summary

The patent system is an old, world-wide system for protecting inventions. The main idea behind the system is to spread and document technical development. As an exchange, the inventor gets an exclusive right for a limited time period. The thesis investigates the knowledge and experiences from different Swedish companies, both mature companies and newer companies together with statistics, both related to the patent system.

Years ago, the inventions were pure hardware inventions, thus, inventions which you can see and touch. The technical development is a fast moving process and today a lot of the inventions are so called computer implemented inventions, a combination of hardware and software. Software can be explained as the part of the inventions which you cannot see, the parts which give instructions to the hardware components.

Within the patent system, it is formulated that software “as such” belongs to non-patentable area, meaning that you cannot apply for a patent protection for an invention which is in this technical field. On the other hand, the technical development is offering more invention within this field of technology. A consequence might be that the technical development is moving from the patentable area.

The number of Swedish companies within the software industry is increasing every year. When investigating the newer companies within this industry, they experience a problem related to the patent system. Based on their experiences, they experience that the patent system is not made for the newer technology where software is a big part.

The more mature companies do not address the same problem having software within their inventions. Reasons for this is that they almost always have some hardware component together with the software component together with that they are more experienced working within this field of technology.

The problem stated in the thesis is that maybe the technical development is moving from the patentable area. If that is the case, what are then the consequences and the solutions?

The newer companies keep a lot of their technical development as trade secrets, meaning that just a few people within the company know the “recipe” for the invention, such as the coke recipe is protected. If that is one consequence, then the whole idea with the patent system, to spread and document new technology, is gone.

One solution, as some of the newer companies proposed, could be a changed of the patent system, or an additional protection. Another solution could be the open source, meaning sharing is caring, where everything goes public.