



Intellectual
Property



Safeguarding Your Computer-
Implemented Inventions
Through Intellectual Property

The value of patent protection

The patentability of computer-implemented inventions can be an area of confusion for many UK businesses.

The common misconception is that the only way to protect your intellectual property rights in software is through copyright. This is despite an upward trend for the number of patent applications being filed within the field of computer technology in recent years. This contrast is partly the result of large, technology-driven companies that are implementing aggressive patent filing strategies within the computer technology sector. Small to medium sized businesses should take note so as to secure their foothold in the market.

Copyright only offers a limited form of protection that is directed to the expression of an idea. In the case of software, this means that only the layout and structure of the code is protected. Any serious competitor should therefore not find it challenging to design around an existing computer program so as to replicate its function without infringing the owner's copyright protection.

Patents, by contrast, provide a much broader level of protection that is directed to the idea itself. In commercial terms, this is of far greater use when it comes to warding off competitors.

Is your invention patentable?

Not all forms of software can be protected by a patent and deciding on whether yours may be eligible can be challenging.

Even innovations that on face value relate to business methods (and which therefore may at first appear not to qualify for patent protection) may actually provide a solution to an underlying technical problem. If this problem is properly identified and framed within a patent application, these innovations may be entitled to patent protection in Europe.

Often the answer will vary on a country-by-country basis according to the case law in that region. A conversation should therefore be had with a patent attorney who is experienced in this sector.



How can you protect your IP?

Just as important to finding out whether or not your innovation is patentable is deciding on whether patent protection really is the best way to secure your IP rights.

You need to take several factors into consideration here including:

- Your business plan
- Your competitors' activities
- Whether your invention can be kept secret
- Your product development cycle
- What other forms of protection are available
- Your exit strategy (if applicable)
- Costs and timings

Your long-term success is dependent on you having an IP strategy in place that fits around your commercial objectives. With so many factors at play, the only question is where do you - as a computer technology driven business - start this process?

The short answer is to seek out advice from highly experienced intellectual property professionals.



“For long term success, it is vital that any technology-driven business has an IP strategy in place that fits around its commercial objectives”

Where have we acted before?

We work across all areas of computer-technology, ranging from FinTech, telecommunications, social networking, cloud computing, through to automated engineering solutions.

We also act for some of the largest software makers in the world, as well as for numerous start-ups and SMEs. Examples of our work in the computer technology sector include:

- Drafting and prosecuting patent applications for a leading financial services company across a broad spectrum of FinTech applications
- Prosecuting patent applications and attending hearings for a world-leading software company specialising in database software and cloud engineered systems
- Obtaining standards essential software patents for prominent smartphone manufacturer in various technical fields including elliptical curve cryptography for secure communications
- Securing patent protection for lossless audio encoding techniques with particular applications for online streaming, as well as advising in relation to the licensing of these rights to global music distributors
- Implementing an IP strategy that focused on an exit strategy for an SME by: building a patent portfolio that would be of particular value to an identified third party; demonstrating the value of this portfolio to the third party during a due diligence operation; and administering the transfer of IP rights during the buyout
- Patenting computer software for stabilising and controlling sophisticated three-axis gimbals for cameras used in filmmaking

How can we help you?

The attorneys in our dedicated ComputerTech team have a wealth of experience in the computer technology sector.

Our team can advise you on all of the key IP issues including:

- Developing an IP strategy that is tailored specifically to your business
- The patentability of your computer implemented invention
- Whether you should seek patent protection for your invention and what other forms of protection are available
- Advising on all aspects relating to drafting and prosecuting patent applications, as well as enforcing and opposing patents
- Enforcing your IP and contesting the IP rights of your competitors
- Protecting your graphical user interface through registered design rights
- Getting your IP portfolio in-shape for pitching to investors

Our attorneys are well respected within the intellectual property profession for their knowledge and commercial approach and we regularly receive valued recommendations from independent legal directories.

What do our clients say about us?

"I worked with GJE extensively as we put together our intellectual property strategy. Not only were they excellent strategic advisors, the team at GJE were consistently quick, responsive, helpful and constructive. They took the time to truly understand our business and I have no hesitation in recommending them highly."

Former CEO, drilling analytics software company

"As Europe's leading independent technology development & licensing company, it is necessary for us, at The Technology Partnership plc, to align our patent prosecution with our business development and licensing activities. Gill Jennings & Every have helped us to manage a large part of our IP portfolio over many years by maintaining a relationship which focuses on, and takes into account, our specific business development needs and priorities."

Alan Boyle, Consultant, The Technology Partnership plc

"GJE are easy to deal with, professional and provide clear advice that reflects a detailed understanding of complex legal and technical issues. Their ability to explain and navigate the minefield that is software and ICT patent protection in Europe is exceptional. I have no hesitation in recommending the Computer Technology team at GJE to any prospective client."

David Webber, Principal, DCC Australia

Why not get in touch?

If you would like to know more about how our expertise in the computer technology sector can benefit your business then please get in touch.

We welcome enquiries via computertech@gje.com and will be delighted to explain in more detail why you should consider GJE for your IP needs.



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