

SYMPOSIUM

INTELLECTUAL PROPERTY RIGHTS IN METHODS OF DOING BUSINESS

FOREWORD
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Should business processes be protected by intellectual property laws? If so, then to what extent? Fueled by the rise of the Internet and computerized business processes, the answers to these questions now have dramatic commercial consequences. The above questions, which have been raised sporadically in specific court cases over the past century, have now achieved prominence in a variety of venues. Previously regarded as a rather arcane subject to be discussed and debated among academics, these questions are now being considered by a group that includes business leaders, policy makers, attorneys and engineers.

The Court of Appeals for the Federal Circuit provided some answers to these questions in 1998 by ruling in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* that patents are not objectionable merely because they can be characterized as a method of doing business. But this case raised at least as many issues as it resolved. What are the implications of this case on the patenting of business processes? How do such patents affect any overlapping protection offered by copyright?

On March 25, 1999, Oracle Corporation and the George Washington University School of Law co-sponsored a Symposium to encourage reasoned and thoughtful public discourse on these important issues. Academics, government officials, private practitioners and industry representatives were invited to discuss and de-

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bate intellectual property rights in methods of doing business. To focus and stimulate thinking, Oracle offered a writing grant providing law professors full academic freedom to express their views on substantive patent or copyright law principles or policy considerations pertaining to business methods. In addition, Oracle encouraged representatives from government, industry and the Bar to contribute their own insights. Selected papers were presented at the Symposium.

The diverse expression of views provided in the following papers provides a rich foundation for consideration of the issues surrounding intellectual property rights in business methods. On behalf of the Symposium writers and sponsors I invite you to continue consideration of the legal rules and policy implications surrounding this interesting and important subject.