

Beyond the Hype: A Rational Look at Internet Patents

By John Rizvi, Esq

E-commerce patents have attracted a lot of attention in the news lately and the U.S. Patent Office is facing criticism, once again, relating to their examination and issuance of patents relating to a revolutionary new technology. I say “once again” because this is not the first time a new technological development has stirred up controversy at the U.S. Patent Office. Over a century ago, there was severe criticism relating to the granting of agricultural inventions. This was followed by debates about the patenting of the telephone, the automobile, pharmaceutical drugs and the recent criticism of the biotechnology industry. With this historical backdrop, it is little wonder that the development of the Internet has spawned another patenting debate.

The term “Internet patent” or “e-commerce patent” is a very broad term used to define innovations in cyberspace. These terms have little legal significance and were coined simply out of necessity. How else can you describe the wide variety of patents relating to the World Wide Web? A software patent protecting a novel Internet-related application and a business method patent designed for use in e-commerce are both commonly bundled under the general category “Internet patents”. Indeed, an increasing number of patents are being issued for innovations that combine software or Internet use with a novel business methodology. Internet and e-commerce patent applications are being filed in record numbers by banks, stockbrokers, insurance companies, and online retailers to protect their innovations.

The important thing for businesses to realize is that they need to act quickly and do everything possible to protect their e-commerce related ideas no matter which “fashionable” term for their innovation happens to be in vogue at the time. Novel ideas should be kept secret and confidential and a consultation should be arranged with a Registered Patent Attorney as soon as possible to determine whether filing a patent application to protect the innovation is warranted.

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