A COMPARATIVE ANALYSIS OF PATENT LAW FOR SOFTWARE RELATED INVENTION IN MALAYSIA AND EUROPEAN UNION

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The student/author confirm that the work submitted is their own work and that appropriate credit has been given where reference has been made to the work of others.

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Abstract

In this study, the main objective of the writer has been to examine and compare the patent laws for software related inventions in the European Union and Malaysia. To this extent, the writer hopes that this study has at least been a partial success and may lead to a better understanding of the processes, legal stand and instances for the patentability of software related inventions. The general rule concerning the patentability of software or computer programme has been laid down in Section 52 of the European Patent Convention 1873 and Section 13 of the Malaysian Patent Act 1983 (Act 291). Although these provisions expressly exclude software or computer programmes from patentability, there are some instances where patents for this subject matter are granted. Indeed, the writer himself has benefited immensely from this study.

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1.0 Introduction

The research will focus on the analysis of different patent laws for software related inventions in United States, European Union and Japan (only a small portion of patent law in this country will be mentioned due to limited access to the required data). Based on the analysis, a comparison between each country's patent laws for software related invention will be made. Afterwards, a recommendation to improve patent law for software related inventions in Malaysia will be proposed. The research proposal consists of 11 elements. The first element is problem statement, followed by title of the research. The third element in the research proposal is research background, fourthly is research objective and next is research methodology. The sixth element is scope of research, then followed by limitation of research, significance of research, literature review and lastly is references.