

Improving the mechanism by which searches for prior art occur is clearly a step in the right direction.

However, the chief problem with software-related patents surely has more to do with whether or not the patent in question is obvious to other developers of software. Nothing is more frustrating than independently finding one's own solution to a problem, only to discover that someone has patented such a solution some time before - particularly when, as is so often the case, the solution is one that would occur naturally to anyone sufficiently practised in the field of software development. Furthermore, unless the practice of patenting software algorithms is severely curtailed, it is hard to see how innovation can fail to be harmed.

In my opinion, the best solution to this problem would be to take the European approach, and disallow patents on software algorithms. In the absence of such a sweeping step, however, the next best thing would be a thorough peer-review, whereby qualified developers can assess how "obvious" a method is.