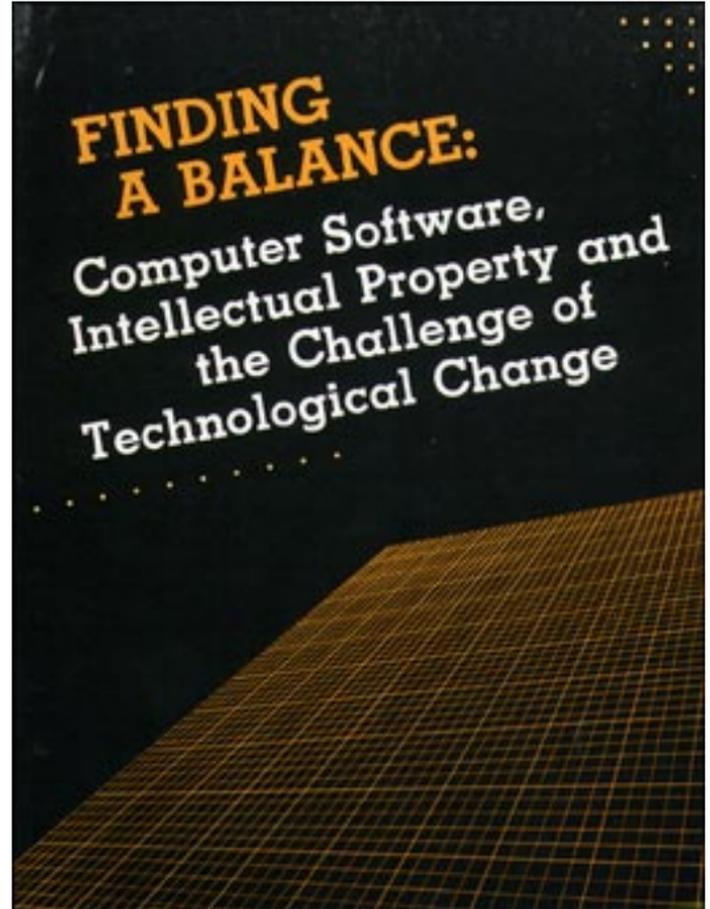


*Finding a Balance: Computer Software,
Intellectual Property and the Challenge of
Technological Change*

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Foreword

Our Nation's intellectual property system is intended to strike a balance between private incentives and protections of public interest. This report examines the rapid and complex technological changes and trends in computer software technologies and their possible effects on the Nation's intellectual property system. An effective policy must foster technological innovation to preserve economic competitiveness of the U.S. software industry in the face of changing technologies and markets.

The report identifies three policy issues: 1) the appropriate scope of copyright protection for computer software; 2) patent protection for software-related inventions and algorithms, and how the U.S. Patent and Trademark Office will handle these types of applications; and 3) complications facing libraries and commercial and private producers and users of digital information, including computer-based mixed media products.

This report was prepared in response to a request from the House Committee on the Judiciary. OTA drew upon work by staff and contractors and the comments of participants at six workshops. OTA received valuable assistance from members of the study's advisory panel, officials of the U.S. Copyright Office, U.S. Patent and Trademark Office, Congressional Research Service, Library of Congress, U.S. International Trade Commission, U.S. Department of Commerce, U.S. Department of Energy, U.S. Department of Defense, Office of the U.S. Trade Representative, and European Economic Community, as well as a broad range of individuals from law firms, trade associations, public interest groups, industry, and academia in the United States and abroad.

OTA appreciates the participation of the advisory panelists, workshop participants, Federal agency officials, and interested citizens, without whose help this report would not have been possible. The report itself, however, is the sole responsibility of OTA.



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NOTE: OTA appreciates and is grateful for the valuable assistance and thoughtful critiques provided by the advisory panel members. The panel does not, however, necessarily approve, disapprove, or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

Finding a Balance: Computer Software, Intellectual Property, and the Challenge of Technological Change

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