KILPATRICK TOWNSEND

4 KEY TAKEAWAYS

Blockchain and Open Source

Kilpatrick Townsend attorneys Paul Haughey, Mike Pavento and Brian Olion, recently presented at the Kilpatrick Townsend Intellectual Property Seminars (KTIPS) Summer Series about "Blockchain and Open Source." KTIPS is an intensive, two-day patent strategy and protection seminar for firm clients designed to provide insightful and in-depth training related to current developments in patent law, and how those impact patent procurement and enforcement strategies.

Key takeaways from the presentation include:

1

Blockchain inventions can be patented:

- Alice & business method issues can be limited with proper drafting to focus on technical aspects, cryptography, etc.

Examples of Blockchain inventions:

- Improvements to cryptographic security
- Nonobovious ways to achieve consensus (trust)
- Increased scalability (decentralization)
- Applications of use

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3

Open source in Blockchain may limit use of patents:

- Bitcoin (MIT License)
- Ethereum (e.g., GPL v3 MIT, LGPL v2.1)

Open Source / Patent Interplay:

- Avoid subjecting your patented products to copyleft (derivative works mandatory license)
- Avoid contributing your improvements to OSS projects
- Possible strategy – OSS version & commercial version

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