



Insights: Perspectives

4 Key Takeaways for Blockchain and Open Source

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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
- Nonobvious 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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