



money. The substance and procedure of an ADR case may be designed by the parties to an agreement at the outset or borrowed from international guidelines. Canadian courts support ADR provisions and enforce ADR awards. The Arbitration Act of Ontario provides blanket support for the award of an arbitrator anywhere in Canada, barring absence of substantial defect or reversal on appeal. However, limitations do exist. Intellectual property aspects of a technology transaction that are governed by statutes may not be subject to ADR enforcement.

### Patent Law

Patents can protect computer hardware and some forms of computer software. Hardware functionality places it under the traditional patent umbrella of machines and compositions of matter, but software is a much more subtle. In software not only are the program algorithms protected (the mathematical lines of code that are used to create a program), but so are the subroutine flow structures that tie the application together. This is a combination of an inventive process and an inventive machine. Standing alone, mathematical algorithms are excluded from patent protection.

The U.S. patent system is unique from almost every other country in the world. The difference exists in the manner in which the U.S. system grants a patent. In the U.S., a patent is granted based on "first-to-invent". This means that an inventor must prove, through declarations, that he or she was the first to conceive of the idea and to reduce it to practice. As such, among several inventors, an inventor who invents first but files last is given priority. The United States Patent Office grants patents for new, useful and non-obvious inventions.

Throughout the rest of the world and in Canada patents are granted based on "first-to-file". Under this system an inventor who first files a patent application receives patent protection over a subsequently filing inventor who may have invented first.

As of June 8, 1995 a patent has a term of 20 years from its U.S. filing date. Submission of a patent must meet certain disclosure requirements. For example it must disclose the best mode of practicing the invention and must show a person of ordinary skill level in the relevant art how to make and use the patented device. The change from the traditional 17 year U.S. patent was a result of the General Agreement on Tariffs and Trade (GATT) bill.

Other negotiated compromises proposed by the U.S. senate may include publishing U.S. patent applicants 18 months from the priority filing date. This is similar to what is done in the majority of the world and in Canada. Also, a more lenient term of 17 years from