Lotus v. Borland update

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The Lotus v. Borland saga begun in 1992 when district court Judge Keeton ruled that Lotus' copyright in the expression of the Lotus 1-2-3 command hierarchy was infringed by Borland's Quattro spreadsheet.

Borland appealed, and in 1995 the Court of Appeals for the First Circuit held that since the command hierarchy was the means by which users control and operate the program, it was a 'method of operation' and therefore not copyrightable.

Then Lotus appealed, and on 27 September 1995 the Supreme Court agreed to hear the appeal. Given the significance of the case for software compatibility, several amicus briefs were filed by copyright law professors, hardware manufacturers, computer scientists, economists, user groups, and industry associations.

On 16 January 1996, after a week of argument, the Supreme handed down a decision which was expected to provide an analysis which would finally eliminate conflicting approaches across U.S. Circuit Courts.

Unfortunately, the decision was just four lines long.

One of the nine justices - Justice Stevens - took no part in the decision for undisclosed reasons, and the remaining eight justices were equally divided. According to the Court's rules, the judgment of the First Circuit Court of Appeals was affirmed.

So, command hierarchies are not copyrightable - for the moment.