Stop Software Patents

„Software Patents in Europe via caselaw of a Central Patent Court"

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Soft Patents in short

- No MP3 in OpenMoko
- No DTS in VideoLan
- No Mosaic in GIMP
- No Linux
- No Blackberry
- No VoIP

Law in Europe

- **1973: European Patent Convention**
  - Art52.2: Computer programs are excluded of patentability
  - Art52.3: exclusion „as such"
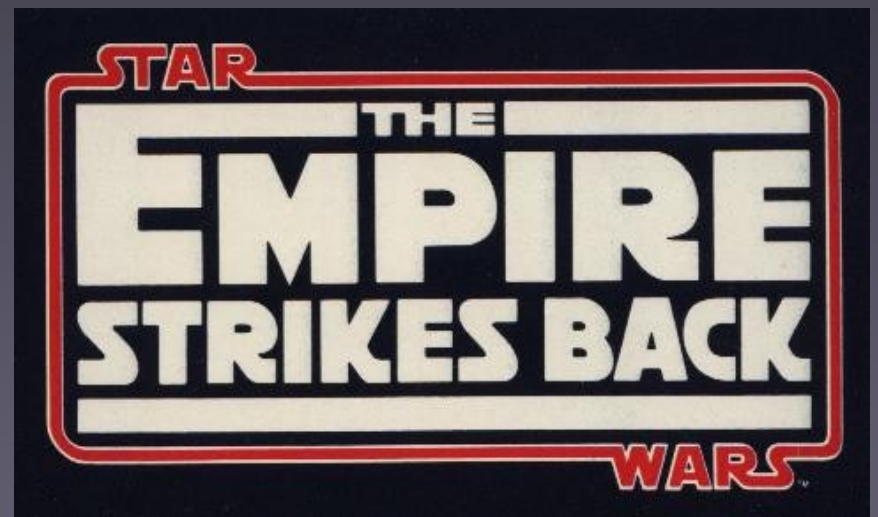
Change the Law

- **2000: European Patent Convention**

  - Deletion fails

- **2005: Software Patent Directive**

  - Rejected by Parliament

A battle won but...

...not the war: The Patent Empire strikes back

Change the Courts

- **2006: Consultation**
  - BSA-EICTA: central caselaw
- **2006: EPLA**
  - Remove National Courts
  - Replace by Central Court

Central Caselaw

"We must moreover continue to attempt to harmonise the practise of granting patents for computer-implemented inventions at the European level. <u>This is to be attempted by a common European patent court system (EPLA)</u> in which the member states can voluntarily participate. Thereby a unified procedure and legal certainty are achieved."

--German Federal Ministry of Economics and Technology

Central Caselaw

"Baumann added that the new court was not intended to "codify software patents", but it was hoped it would provide better intellectual property protection for <u>inventions with embedded software</u>, such as mobile phones and satellite navigation systems."

— James Murray, IT Week

Yesterday

„2009 must be the year for the negotiations in Brussels a breakthrough in the creation of the Community patent and a European patent court"

--Brigitte Zypries, German Ministry of Justice

Another way

„According to the Parliament, <u>the Community Patent</u> has been mentioned by a number of MEPs as the appropriate legislative instrument to <u>address the issue of software patentability</u>.“

— Out-law, Community Patent gets embroiled in software patent fight (7th July 2005)

Avoid the debate

„Does the Community Patent restart the debate over patents for computer-implemented inventions (software patents)? Why or why not? Pilch: <u>It restarts the push for software patents, without a debate.</u>[...] The Community Patent plan doesn't even mention the subject of software, although, make no mistake about it, software patentability is one of the main drivers of these plans.“

— NSP, Current situation

Patent Crisis

- **Tsunami of patent applications**
- **More Litigation**
- **More Disasters ala Blackberry**
- **Patent-based credit reviewed**
- **Bank will devaluate patents**
- **Patent Bubble will explode?**

Global Contagion

- **India**
- **US (Bilski)**
- **New Zealand**
- **EPO (Enlarged Board of Appeal)**

World Day

Stop Software Patents
World Day, September 24th

World Petition

Stop Software Patents
Software Patents stifle innovation

search this

Petition to Stop Software Patents Worldwide

Software Patents stifle innovation

1. **Software patents are too slow**. Examination takes 4 years or more. Patents limit competition for up to 20 ye... cycle and amortization of investments are much shorter.

2. **Software patents ruin investment**. A typical software can violate hundreds of patents. Established players ... competitors with a single patent and delay creative destruction of their markets. Entrepreneurs refrain from t... 'mined' market. Legal ambushes deter investment in the next generation by the market leaders of tomorrow.

3. **Software patents are overly broad rights**, as opposed to precise rights such as software copyright. Broad, ... rights are damaging for the market while at the same time more valuable for their holders. 'Inventors' may de... applications very broadly and negotiate with the patent office over breadth of the grant.

4. **Software patents deprive authors of the fruits of their work.** Patent regimes dilute your ownership over co... because they overlap with the realm of copyright. Software patenting closes an alleged copyright 'protection... preserved by the legislator for reasons that advise against patenting, too.

5. **Software patents are not economically justified.** Insufficient economic evidence supports an application o... software. On the contrary, most studies hint that software patent regimes restrain innovation.

6. **Software patents reward 'hot air'**. Ideas are not scarce but cheap. Their disclosure barely justifies to grant ... happening. Developers who read software patents consider them an offence: they disclose nothing useful.

7. **Software patents are difficult to research**. Patent databases, software and patents are complex. Patent att...

Navigation

- Start
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Material

- Quotes
- Logo
- Red Dove
- Tshirt
- Banners
- Wallpapers
- Press
- Images

Other Reasons

- Myths
- Discrimination
- Softpatents are trivial

National Road

- **Ask for a <u>national</u> law**
- **Clarification 1: in whatever form it is claimed**
- **Clarification 2: patentable if contribution is physical**

Action Now

1. Delay the central patent court
2. Rebuild the Community
   - Business
   - Civil society

Free Tshirt