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Sent: dimanche 29 octobre 2000 13:06  
To: consultation@eurolinux.org  
Subject: Software patents - a position

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As long as I have worked I have been working in the software business, the companies I have worked for all create specialist solutions. A client buys a solution which is created in software and sold as a solution. Software programs we sell have never needed a copyright or patent protection because it would not be useful to thirth parties to use this software. Software is not actually sold, the service it implements is sold.

In the last couple of years I have also stepped into the Open Source development because the tools I use at work did not reach the quality standards I need to work with computers all day, every day. The Open Source initiative solves this problem by allowing me, and many others to create the tools I find needed.

In Open Source software it is not needed, not even wanted to patent software. It is not needed because the whole basis of Open Source is freedom, and you don't have an owner for free intellectual property. As soon as Open Source is patented it suddenly belongs to someone, this automatically removes the program from Open Source and patents are therefor not wanted.

When software programs or ideas can be patented it will severely limit my freedom to innovate in the form of writing Open Source software. Programs I am currently working on are created completely by people why wanted to share their time and expertise, when these people can potentially be sued with a patent claim the free software innovation has completely lost the power it uses to create technologically superior software. This is something I fear.

I have read and understood the proposal to change the language of Art 52, which today can be used to file software patents. The article as it is now clearly does not intent to allow software to be patented, therefor changing the wording which re-enacts the original meaning get my full support. The proposal can be found here:

<http://swpat.ffii.org/stidi/epue52/indexen.html>

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The only thing worse than failure is the fear of trying something new