

NEGATIVE ECONOMIC IMPACT AND USA DOMINATION

Dear Sirs,
Dear Madams,

We signed the EuroLinux Alliance petition <http://petition.eurolinux.org> and are writing to you now to make sure that you will take our point of view into account.

If patents on software are permitted in Europe, this will have a negative economic impact, causing great prejudice to small software companies, and on innovation in general. There is a consensus among economists on the fact that software patents harm innovation. Moreover, if patents on software are permitted, there would be no reason not to extend delivering patents to other domains such as business methods, which will lead to foolish situations & really block the economy. This is what is actually taking place in the US and Japan where software developers are complaining that they can't even work in peace anymore. Besides, the US having already patented almost everything, Europe will be even more under US domination.

Patents problems/abuses come mainly from two points

- 1. the patent examination process
- 2. some domains are not fit for patenting

- 1.

In the world outside the EU, patents are creating a situation that is getting worse over the years. Especially the patent examination process, which has appeared to be totally flawed and unreliable. If it could have somehow been made better or corrected, it should already be efficient by now, since it has been over 10 years now that it proven itself unfit and causing more damage than helping people doing business. If we know all the flaws of the patent examination process since over 10 years, why hasn't it been fixed yet ? So saying that the patent examination process will be acted upon more seriously is a mistake. It can't be made better.

- 2.

Patents are only good for certain domains, like physical applications.

Patents are not fit for software for the following reasons :

- The parts of software development which are eligible for patents don't necessarily require a return on high investment costs (like in aeronautics). Of course a system like Sun Solaris, composed of a million lines of code, has a huge investment cost. But 10 lines of code that may infringe on a patent don't.
- 20 years patent duration is an eternity compared to a software technology lifetime, creating an enormous obstacle to computer science development: we believe 1 to 5 years would be more adapted to the situation of our industry today.
- Patenting a mathematical thinking like software development makes no sense because it will lead to a huge number of patents on exceptionally easy-to-find ideas with an exceptionally high blocking effect.

Only big companies can afford patenting and patent enforcing, thus killing the small ones, like small software companies or independants developers.

In some areas patents may be useful for stimulation progress
BUT, we believe that in no case should patenting on software be allowed.

We even believe that if the EU stops this foolishness around patents on software, by unambiguously stating that no patents should/will ever be granted on software, the US should eventually follow.
In the mean time, the unique no-patents-on-software position of the EU might even attract some foreign companies, generating more economic activities in our countries. Of course, big US companies and attorneys will do their best to keep patents going.

We believe in the EU and in European entrepreneurship.
We want a free market not regulated by patents in the field of software.
We want more profit for European companies, more jobs for the EU.

Best regards,

Marc-Aurèle DARCHE - Developer engineer
Paul ROUSSET - Developer engineer
Dr. Armelle DARCHE - Dentist
Jeanine BUARD - French Teacher
Christiane DARCHE - Human Resource Manager