

Sent: jeudi 14 décembre 2000 11:38  
To: MARKT SOFTPAT  
Subject: A vote for conservation of the present exclusion

This comment may be published with the address below:

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I speak as a full time professional software developer. My line of work is computer programs for embedded devices, that is devices where a computer is controlling some functions of the product.

The way patents are issued in the US is not an economically sane way to follow for the EU in my opinion.

The very high number of lawsuits following the legislation is not helping development nor providing any value to the industry.

Firms with software as a minor part of their product will be hit by very high risks because a patent issue may be very costly to sort out in the court. This will hinder start-up companies of which most of the growth in the Hi-Tech industry is to be found. These start-up companies will find it very hard to attract investors because they can not guarantee that they do not infringe some software patents.

To put it precisely:

There must continue to be a technical use for a software invention in order to grant a software patent. The patent system is vital, but software per-se should not be patent able. The requirement of technical use will greatly reduce the uncertainty.

I hope the EPO will keep the present limits to software patent ability, it will serve the economy and the pace of innovation in the EU.

Best regards,  
Niels Kristian Jensen  
Denmark