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From: Gervase Markham
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Sent: dimanche 29 octobre 2000 11:20
To: MARKT SOFTPAT
Subject: Response to Request for Comments on Software
Patenting in the
EU

Dear Sir,

I am a 22-year-old computer science student at Oxford University, England. When I graduate, I hope to become a software engineer. I am writing in response to the request for comment published on http://europa.eu.int/comm/internal_market/en/intprop/indprop/softpaten.htm

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The introduction of software patents in Europe will, I believe, have a significant detrimental effect on the "free software" movement, which looks to provide high quality software for use, adaptation and redistribution for all, without discrimination. I personally believe strongly that this is a worthwhile aim.

Several European governments, for example Germany and Norway, have given official support to the concept of free software, and encourage its use in organisations under their control.

Free software is still, for the most part, written for fun by volunteers.

(This is no reflection on its quality - the free software Apache webserver, for example, runs 60% of the websites on the Internet.) They have no resources to hold patent portfolios or license the patents of others. In addition, because the source code is freely available, they are

much more likely to get into legal trouble than a proprietary software company who could infringe a patent and no-one would ever know.

The Commission has an ideal opportunity to nurture this movement, and make it possible for all citizens of the European Community to benefit from free software. If the Commission believes that making high quality software freely available to all citizens of the EU is an aim it should be encouraging, then they should consider that introducing patenting on software would seriously jeopardise this. I implore the Commission to reject this idea.

Gervase Markham
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England