

-----Original Message-----

From: Christian Selig [mailto:christian.selig@bnv-bamberg.de]

Sent: vendredi 27 octobre 2000 21:31

To: consultation@eurolinux.org

Subject: Software Patents will inhibit software development

Dear Readers,

my name is Christian Selig. I am pupil in a German school. I am nearly 18 years old and in my spare free time I write free "open source" software for school administration. I have been programming for 9 years. Since 3 years, I exclusively work with free software.

I am highly concerned by the European Union's plans to allow patents on software. Software is in no way different from writing a book. But I cannot see any reason why words, sentences, combinations thereof, writing styles etc. should be patentable. Software is built the same way, with different languages, different writing styles and different words. Software being just the digital equivalent to a book (or more specifically, an instruction book), it simply cannot be patentable.

In the clearly non-independent study, which is written by an IP institute instead of an economics research institute, obvious mistakes have been made.
(http://europa.eu.int/comm/internal_market/en/intprop/indprop/studyintro.htm)

Let me quote a part:

> However this position on patents could well change.
> Developers of open source software may find it advantageous

> to file patents to obtain bargaining positions e.g.
licence
> money from owners of proprietary platforms.

I cannot see, for my personal case, how should I finance a patent, leave alone a couple or dozen of patents which could make a big corporation which has already patented hundreds of my daily algorithms cross-license with me? This assumption is not wrong, it is stupid.

On another point, most free software authors don't have any incentive to raise money from anyone for anything. Free software is written because of an urgent need, because it's fun or perhaps for a master thesis. The paper work and patent fees would lead to many people leaving the free software community, simply because when additional paper work and your own money is involved. You will scratch your itches privately, will not continue having fun or write about something else in your master thesis. You won't any longer help your neighbor, have less fun and software research will stop.

> In any case the historical position of the open source community is
> compatible with recognition that a developer could in any case want
> to obtain patents on specific applications.

I, as a member of the open source community as well as the free software community, I cannot see any evidence that this position has ever been the case. I found no evidence that the researchers for this paper have spoken with any representant of the free software or open source community, such as Richard Stallman.

My conclusion:

I see my right for personal expression in danger. In the US, several courts already have called software just another form of speech, protected by their corresponding constitutional amendment. In case I shall ever be sued for software patent infringement, I will resist against any court order or any other form of punishment. I will publicize such a case in a broad manner. I will support every effort suing responsible government agencies as far as I can. I will even help illegal actions if powers continue to be misused this way.

YOU have the power to stop the software patent nonsense, for the good of the European software research and development world.

With highest regards,
Christian Selig