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To: MARKT SOFTPAT
Subject: Software patent minefield can only be bad for the community

I am from the United States; I often use free software produced by Europeans. I define a software patent as a patent on "a computing device programmed to execute xyz algorithm" or however it's said in legalese. The minefield that is the software patent system can only be bad for the community:

- o Patents are a bargain between the community and inventors; the inventor discloses inventions in exchange for temporary monopoly. Algorithms are invented and reinvented continuously; society gains nothing by giving a software inventor a monopoly if the algorithm will inevitably be disclosed anyway.
- o Even if the invention is ground-breaking, the pace of innovation in the software industry is such that the typical 17-year term of a software patent is far too long.
- o How can a free software developer know if an algorithm is patented before (s)he implements it? There is no easily searchable patent database, and there are too many software patents for a single developer to keep straight in his/her head.
- o Patents lead to anti-competitive behavior. Say company U applies for a patent on an algorithm L and then publishes it. Software developers adopt the algorithm. Once the patent is granted, the algorithm has already become a de facto standard; U's lawyers go around suing everybody in sight and making a killing.
(This is exactly what happened in the GIF and 'compress' cases; U == Unisys and L == LZW compression.)

The only people who benefit from software patents are patent lawyers. Do we really want an "attorney-ocracy"?

See also:

<http://www.openpatents.org/nutshell.php>

<http://lpf.ai.mit.edu/Patents/patents.html>

<http://www.gnu.org/philosophy/patent-reform-is-not-enough.html>

<http://www.gnu.org/philosophy/savingeurope.html>