

Law and Statements by Legislators

<http://swpat.ffii.org/archive/mirror/flalu.en.html>

Workgroup

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For the last few years the European Patent Office has, contrary to the letter and spirit of the existing law, granted about 30000 patents on computer-implementable rules of organisation and calculation (programs for computers). Now the European patent movement wants to change the law so as to legalise this practise and remove all barriers to patentability. Programmers are to lose their freedom of expression and the control over their copyrighted work. Citizens are to be barred from independently developping their preferred forms of communication. As a compensation for this “intellectual expropriation” we are offered ... less innovation, less competition, less good software.

Contents

: European Patent Convention (<http://www.european-patent-office.org/legal/epc/e/>)

- Article 52 (<http://www.epo.co.at/epc97/english/ar52.html>)

Guidelines for examination in the Eurpean Patent Office (http://www.european-patent-office.org/guidelines/english/c_iv.htm): Part C, Chapter IV: Patentability (http://www.european-patent-office.org/guidelines/english/c_iv.htm)

Greenpaper on the Community Patent and the Patent System in Europe (<http://europa.eu.int/comm>)
“Greenpaper” in which the EU Commission demands europe-wide uniform “patent protection for computer programs”.

Follow-up Paper to the Greenpaper (http://europa.eu.int/comm/internal_market/en/indprop/8682en)
advocates broad patentability of computer programs and community-wide effective enforcement against copying of programs.

Commission outlines ambitious series of measures (http://europa.eu.int/comm/internal_market/en/i)

Mario Monti claims that after “broad consultations” software patentability was deemed necessary. In reality, only 44 IP experts were heard.

EU report on competitiveness of European industry (<http://europa.eu.int/comm/dg03/directs/dg3a/>)

With partial focus on informal goods.

Deutsches PatentGesetz (<http://transpatent.com/gesetze/patginh.html>):

Prüfungsrichtlinien des Deutschen Patentamtes (<http://transpatent.com/gesetze/prl.html>):

Schreibt recht strenge Prüfkriterien vor, u.a. dass eine Erfindung Naturgesetze auf Materie anwenden muss.

TRANSPATENT.COM (<http://transpatent.com/>): Umfassende und wohlgeordnete Sammlung deutschsprachige Gesetzestexte zum gewerblichen Rechtsschutz

Brevets Français (http://www.qwam.com/pub/FRA/qwam/accueil_brevet.htm):

Vollständige Sammlung französischer Patente, aktiv seit 1999-10-04

DPMA: Hinweise zur Anmeldung von Computerprogrammen (<http://www.deutsches-patentamt.de/v>)

Treaty on Trade Related Aspects of Intellectual Property (<http://www.wto.org/wto/intellec/4-ipstan>)

patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application. (For the purposes of this Article, the terms “inventive step” and “capable of industrial application” may be deemed by a Member to be synonymous with the terms “non-obvious” and “useful” respectively)

Die Welthandelsorganisation empfiehlt hiermit den europäischen Ansatz, Patente auf den Industriebereich zu beschränken, erlaubt es aber auch den Amerikanern, ihr System beizubehalten, indem sie den Begriff “industriell” sehr weit auslegen.

WIPO Patent Database (<http://clea.wipo.int>): bloated webpages where you will have a hard time finding anything.

Hier findet sich im linken Frame eine “Collapsible List”. Man klickt nicht den Text “Collection of Laws” an, sondern die “Rosette” links davon. Damit expandiert man die Liste. ([http://clea.wipo.int/lpbin/lpext.dll?f=file\[jbrowse-h.htm\]](http://clea.wipo.int/lpbin/lpext.dll?f=file[jbrowse-h.htm]))¹

Texte définitif de la Loi de l'Internet (<http://www.loi-internet.org/pages/actu/textes/loifinal.htm>):

Gesetzesinitiative französischer Parlamentarier, deren Artikel 4 vorsieht, dass Träger öffentlicher Funktionen sich nicht mittels patentierter Technik an die Bürger wenden dürfen.

¹thanks to PA Axel Horns for this and other hints

OSSLaw (<http://www.osslaw.org/articles.html>): Recht auf Kompatibilität

Treaty of Rome (<http://www.tufts.edu/departments/fletcher/multi/texts/rome/contents.html>):
Widersprüche zur Softwarepatentierung

EU Interoperability Directive (http://europa.eu.int/eur-lex/en/lif/dat/1991/en_391L0250.html):
Widersprüche zur Softwarepatentierung

A Framework for Global Electronic Commerce (<http://www.iitf.doc.gov/eleccomm/ecommm.htm#inte>)

In its The President's Information Infrastructure Task Force (<http://www.iitf.doc.gov>) project, the US government says E-Commerce needs patents and asks other countries to provide them:

To create a reliable environment for electronic commerce, patent agreements should: ... require member countries to provide adequate and effective protection for patentable subject matter important to the development and success of the GII; and establish international standards for determining the validity of a patent claim.

The United States will pursue these objectives internationally. Officials of the European, Japanese, and United States Patent Offices meet, for example, each year to foster cooperation on patent-related issues. The United States will recommend at the next meeting that a special committee be established within the next year to make recommendations on GII-related patent issues .

In a separate venue, one hundred countries and international intergovernmental organizations participate as members of WIPO's permanent committee on industrial property information (PCIPI). The United States will attempt to establish a working group of this organization to address GII-related patent issues.

The EU Green Paper on Electronic Commerce follows suit by echoing Gore's unproven statement.

WIPO/OMPI plant neue Schutzrechte für Internet-Autoren. (<http://www.ompi.org/fre/pressrel/199>)
Französische Presseerklärung der WIPO/OMPI