

# Peter Hayward and Software Patents

<http://swpat.ffii.org/players/hayward/index.en.html>

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A key player in the drive for software patentability at the UKPO and the European Commission, entrusted by the British government in late 2000 to conduct a “consultation” and formulate policies in the name of the government.

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divisional director in the Patents and Designs Directorate of the UKPO. His division, which includes 100 professional staff, is responsible for the search and examination of most of the electrical, electronic and computing patent applications received by the Office. He has particular responsibility for government policy on the patentability of software and business method related innovations. He initiated the *forum on legal protection for software-related innovation* held at the UKPO in 1994 and was also a key player in the Office’s follow-up conferene in London in 1998<sup>1</sup>.

- **The UK Patent Family and Software Patents<sup>2</sup>**

Much of the lobbying for software patents in Europe has been done by British patent lawyers and patent officials wearing the hat of the European Commission or the British government. Most of the law-drafters and alleged “independent contractors” for the European Commission (CEC) were members of the British patent family. The UK Patent Office (UKPO) was the first national patent office to officially follow the European Patent Office (EPO) in allowing direct patent claims to computer

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<sup>1</sup><http://www.patent.gov.uk/about/ippd/softpat/>

<sup>2</sup><http://swpat.ffii.org/players/uk/index.en.html>

programs in 1998. The UKPO has also succeeded in keeping its hand on the British government's patent policy, in moderating a public consultation which showed strong public opposition to software patentability, and, most admirably, in interpreting this public opinion as a legitimation basis for (1) establishing software (including business method) patents in Britain and (2) pushing Brussels to establish them in all of Europe. The UK Patent Family appears to be the strongest single force behind the European Commission's software patentability directive project.