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

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Apparent author of the European Commission's software patentability draft proposal. An expert in patent law affairs, with little affinity to the world of software, abruptly hired by BSA as a director of European public policy, immediately granted privileged access to the European Commission.

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Mingorance is the current director of public policy for Europe at BSA and a longtime subscriber of an eurolinux-related patents mailing list. Until recently, he used to work as a fundraising manager for an AIDS help organisation in Geneva. In that function, he tried hard to defend the patent system against what he called “vilification” by the supporters of the South African government’s battle for lower drug prices.

- **CEC & BSA 2002-02-20: proposal to make all useful ideas patentable¹**

The European Commission (CEC) proposes to legalise the granting of patents on computer programs as such in Europe and ensure that there is no longer any legal foundation for refusing american-style software

¹<http://swpat.ffii.org/papers/eubsa-swpat0202/index.en.html>

and business method patents in Europe. “But wait a minute, the CEC doesn’t say that in its press release!” you may think. Quite right! To find out what they are really saying, you need to read the proposal itself. But be careful, it is written in an esoteric Newspeak from the European Patent Office (EPO), in which normal words often mean quite the opposite of what you would expect. Also you may get stuck in a long and confusing advocacy preface, which mixes EPO slang with belief statements about the importance of patents and proprietary software, implicitly suggesting some kind of connection between the two. This text disregards the opinions of virtually all respected software developers and economists, citing as its only source of information about the software reality two unpublished studies from BSA & friends (alliance for copyright enforcement dominated by Microsoft and other large US companies) about the importance of proprietary software. These studies do not even deal with patents! The advocacy text and the proposal itself were apparently drafted on behalf of the CEC by an employee of BSA. Below we cite the complete proposal, adding proofs for BSA’s role as well as an analysis of the content, based on a tabular comparison of the BSA and CEC versions with a debugged version based on the European Patent Convention (EPC) and related doctrines as found in the EPO examination guidelines of 1978 and the caselaw of the time. This EPC version help you to appreciate the clarity and wisdom of the patentability rules in the currently valid law, which the CEC’s patent lawyer friends have worked hard to deform during the last few years.

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- **Her Master’s Voice — Dr. iur. Kathrin Bremer²**

Legal delegate of Bitkom e.V., German software trade association. Female, born 1969, studied international law and came to Bitkom directly from there in 1999. Apparently insecure on the issue, unfamiliar with software and even with patent law, lets her predecessor in office, IBM patent lawyer Fritz Teufel ghostwrite most of her contributions to the debate. These include a participation in a hearing of the German Parliament in 2001-06-21.

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