



Opera Software's position on software patents

The Opera browser is has established itself as a major browser competing with Microsoft and Netscape. Opera is user-friendly, secure, and fast. The browser is small, yet full-featured and functions well on systems with limited resources. In addition to the PC market, the Opera browser is also available on mobile phones and on TV settop boxes. Unlike our competitors, Opera Software is not a major US corporation. Currently, Opera Software employs around 120 people — mostly in Norway and Sweden.

In our efforts to improve and deploy our browser, we face two obstacles that are legal more than technical. The first obstacle is Microsoft's monopoly on operating systems. Since Microsoft bundles the operating system with the browser, it is impossible for other vendors to compete with the Microsoft distribution channel. The second obstacle is a constant stream of patent infringement letters from various American attorney offices. A typical letter claims Opera Software is violating a specified US patent and asks us to contact them for negotiating licensing fees.

Evaluating a patent for a possible infringement is a major undertaking. Legal language aside, software patents are often obfuscated to hide a weak foundation. The evaluation typically has two outcomes: the patent is either outside our field of work, or the patent is too broadly defined to be taken seriously. It is very rare that Opera Software finds it necessary to license patents, but the overhead associated with evaluating infringement claims is significant.

If Europe opens up for software patents, we believe the stream of patent infringement letters will increase. This will mean we have to spend more of our resources evaluating phony claims, rather than concentrating on making better products.

Therefore we support the Eurolinux counter-proposal and ask that calculation and organization rules to be excluded from the scope of patentability. Only teachings about cause-effect relations in the use of controllable forces of nature can be considered as inventions.

Oslo 3/11/2002

A handwritten signature in black ink that reads 'Håkon'.

Håkon Wium Lie
Chief Technology Office
Opera Software