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May 2, 2005

Mr Daniel Hannan
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Dear Mr Hannan,

Thank you for your letter dated Tuesday 26th April, which was in answer to my concerns regarding the upcoming "Directive on the Patentability of Computer-Implemented Inventions". I would like to take a few moments to respond to the issues you raise.

Regarding your point that few small companies are affected by software patents, I can tell you from personal experience this is not the case. At the small independent software developer I worked at four years ago, we received a letter from a US business telling us a project we were involved in was in violation of their patents - a project managed by the EU to standardise a new computer image format via ISO! There is documented evidence of similar threats being made to companies all over Europe.

It is widely believed that as our industry undergoes a period of change and previously dominant market players are threatened by new companies, these large players will lash out with their patent portfolios to deter new companies or ideas. I again draw your attention to Microsoft, who has recently been patenting en-mass the file formats their programs use. Indeed, if you wrote your letter using Microsoft Word, the data stored on your hard drive is likely to be covered by patents. Recent licenses from Microsoft regarding their patents have been written to deliberately exclude most open source development. If this does not prevent competition, what does?

Additionally, to answer your point that "there is little evidence from the USA that software development has been slowed down by the existing US patent regime" (a point I disagree with, but shall not answer here), there is also little evidence that such software patents have increased software development. The EU currently has a thriving software development and

research economy, so I would ask why we need software patents at all? They would seem to solve a problem that very few companies actually have, whilst creating a legal burden for the entire industry.

I have visited your website, which is most informative for that of an MEP. I regret to tell you, much of it may have to be removed if the directive passes, as it violates several patents on software algorithms already granted within the EU (though not yet enforced due to the legal ambiguity that exists). Your search function that allowed me to examine your site would seem to violate patent EP0747840 ("A method for fulfilling requests of a web browser"). Indeed, the very computer on which your site is running violates EP0800142 ("Method and apparatus for path name format conversion").

I don't know if you have children, but if you do, I trust they enjoyed their time at school. They may well have used or be using computers in their studies and the use of computer based examinations was increasing, removing load from our teachers. Alas, this increase may be shorted lived, as patent US5565316, "System and method for computer based testing", has already been granted within the EU.

I have picked three standard examples, publicly available from the EU patent database. These are not innovative, exemplary creations of the human mind. They are combinations of old ideas transferred directly onto computers, combined with implementation details that even the most junior software engineer would create. I could continue in this vein with many examples of these so called "patents", but I trust I have made my point. Without serious clarification, patents like these will be granted, and deter innovation and development within the EU.

Yours Sincerely,

Adam Wright