<software-patents>

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History

<origin>

The term "patent" originates from the Latin word patere which means "to lay open" (ie. make available for public inspection) ...

History

... and the term letters patent, which originally denoted royal decrees granting exclusive rights to certain individuals or businesses.

</origin>

History

<1449 src="england">

King Henry VI grants a Flemish man the first letter patent:

a 20 year monopoly on the manufacture of stained glass.

</1449>

History

<1474 src="Republic_of_Venice">

Statute by which new and inventive devices, once they had been put into practice, had to be communicated to the Republic in order to obtain legal protection against potential infringers.

</1474>

History

<1611 src="England">

With the Crown deep in debt, James blatantly sold honours and titles to raise funds. He used letters patent to invent a completely new dignity.

</1611>

History

<1621 src="England">

After public outcry, James I was forced to revoke all existing monopolies and declare that they were only to be used for 'projects of new invention'.

</1621>

History

<1623 src="England">

Queen Anne: Statute of Monopolies

Gives the true and first inventor of a given item fourteen years of exclusive rights to their invention, provided that:

. . .

History

...“they be not contrary to the law nor mischievous to the state by raising prices of commodities at home, or hurt of trade, or generally inconvenient.”

</1623>

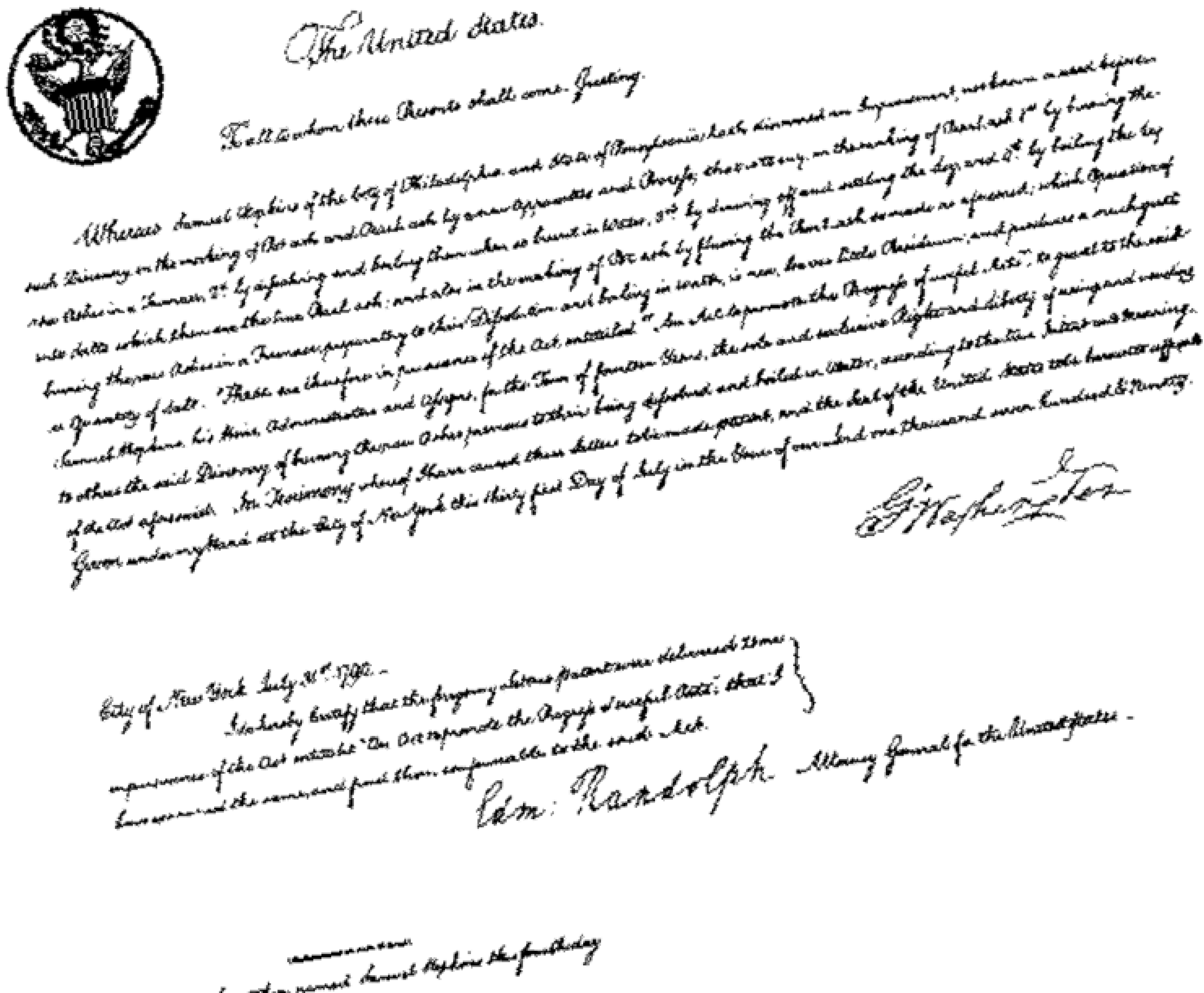
History

<1790 src="US">

Samuel Hopkins of Pittsford, Vermont became the first person to be issued a patent in the United States.
The earliest patent law required that a working model of each invention be produced in miniature.

</1790>

History


The United States.

To all to whom these Presents shall come. Greeting.

July 22, 2005

History

<1802 src="US">

Patent Office

</1802>

History

<1869 src="Holland">

"NO PATENTS HERE!"
Patent system was abolished completely as it was considered broken.

</1912>

History

<1869 src="Holland">

In this time Philips became a big company - irony?

</1912>

History

<1973 src="Munich">

European Patent Convention

The European Patent Office was born. In England it replaced the "statute of monopolies" from 1623 (Queen Anne, we remember)

</1973>

History

<1973 src="Munich">

European Patent Convention

- Defines what is patentable
- Defines what is NOT patentable

</1973>

History

<1973 src="EPC">

Art. 52

(1) European patents shall be granted for any inventions which are susceptible of industrial application, which are new and which involve an inventive step.

</1973>

History

<1973 src="EPC">

Art. 52

(2) The following in particular shall not be regarded as inventions within the meaning of paragraph 1:

</1973>

History

<1973 src="EPC">

Art. 52

(a) discoveries, scientific theories and mathematical methods;

</1973>

History

<1973 src="EPC">

Art. 52

(b) aesthetic creations;

</1973>

History

<1973 src="EPC">

Art. 52

(c) schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers;

</1973>

History

<1973 src="EPC">

Art. 52

(d) presentations of information.

</1973>

History

<1973 src="EPC">

/* In Come The Brits */

</1973>

History

<1973 src="EPC">

(3) The provisions of paragraph 2 shall exclude patentability of the subject-matter or activities referred to in that provision only to the extent to which a European patent application or European patent relates to such subject-matter or activities as such.

</1973>

WHAT THE HELL DOES

AS SUCH

MEAN?

History

CASE LAW

History

Till late 80s:

Software != Patent

History

In the 90s:

Software as part of invention
=
patentable
IF
Forces of Nature involved

History

Now:

Software as part of invention
=
patentable

Tendency:
Software = patentable
"Further technical effect"

History

Problem:

EPO = supernational

Patent law = national

History

<2000 src="EPO">

From: EPO
To: USPTO, JPO
Subj: Business method/software patents

Diplomatic conference will nullify Art. 52, problem solved.

</2000>

History

<2000 src="EPO">

From: Diplomatic Conference
To: EPO
Subj: Art. 52

No changes decided, sorry.

</2000>

History

<2002 src="EU Comission">

Change national law (at least in EU) - Directive on "Computer Implemented Inventions"

(written in cooperation with BSA)

</2000>

History


Monopolsoft.com:
"We kill European SME's with patents...
Smallsoft.be:
"Thanks Commission and Co

History

<2003 src="EU Parliament">

Not acceptable, 129 Amendments attached.

(written in cooperation with FFII?)

</2003>

History

<2004 src="EU Council">

$directive=ignore($amandments)

But Poland and other resisted.
7(!) unilateral statements
attached.

</2003>

History


Patente
$a^2+b^2=c^2$
Algori
statt
treit
Softwarein
Verhindert SW
NO BANANA RE
NO SOFTWARE P
ITS !
Ich war Software-entwickler

History

<2005 src="EU Parliament">

From: EU Parliament
To: EU Commission
Subj: Re: Directive

We think it sucks, can we start from scratch?

</2005>

History

<2005 src="EU Commission">

From: EU Commission
To: EU Parliament
Subj: Re: Re: Directive

No way, accept it or it is over

Yours,
Charles McCreevy

</2005>

History

<2005 src="EU Parliament">

From: EU Parliament
To: Rest of Europe
CC: EU Council, EU Commission
Subj: Re: Re: Re: Directive

648 votes (95.3%) said "Rejection".
Game over. Directive = NULL.

Yours,
Democracy

</2005>

History

Trafalgar at the parliament

Result

<2005>

- No harmonisation, Art. 52 still in full force!
- EPO will issue more SW-Patents
- Enforceability hampered
- New focus: Community patent

</2005>

Community Patent

- Discussed since the 70s
- Problem: translation
- Even more complex as "our" directive

Lobby

We Want Software Patents
(but please don't call em that)

- Evolutionists: Siemens, Philips, IBM etc.
- Anarchists: Microsoft, Wibu, EICTA, BSA
- Trolls: Acacia etc.
- Patent lawyers, patent offices

Lobby

We think they suck
(and we know why)

FFII, PriceWaterhouseCoopers, Deutsche Bank Research, german parliament, FSF, Attac, Greenpeace

Lobby

FFII

Office in Brussels, FFII was attacked as being anti-american, anti-free-trade, sponsored by chinese government

Lobby

FFII in action
(over four years of voluntary work)

Demonstrations, Letters,
Conferences, Documentation

- +400.000 people signed petition
- +3.000.000.000 gross revenue and
- +30.000 employees say no to software patents

What next?

"They" will continue to get SW-Patents.

What next?

OpenSource/Free Software in danger?

YES

What next?

VideoLAN

Asterisk

MP3

...

What next?

Watch out for "patent policies" at standard bodies!

What next?

GOOD:

W3C

Free access IF standard.

What next?

BAD:

OASIS etc.

RAND-License BUT

NOT sublicenseable!

What next?

We still need a solution!

Either directive or change of EPC!

"They" want the same.

What next?

Possible solution:

Enter 21 Amendments in national legislation.

Action?

- Add your company to

  http://www.economic-majority.com

- Support FFII!

More things to watch

- Copyright changes -> EFF
- DRM Digital Restriction Management

The future?

Make sure we have a free society.

Don't let the past control the future.

Don't let Megacorps define the laws

The future?

FFII has shown:

We CAN make a difference!

Thank you!

Go! Ask your questions!

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http://www.ffii.org