Imagine a world...

Where you could be **taken to court** for using an **idea** that someone else had had. **Even if you didn't know they'd had it!**

New proposals that the European Council and Commision are trying to force through, against the will of the European Parliament will make it legal to patent software ideas.

Background.

A patent is a time limited monopoly on making money from an invention. For 20 years nobody else is allowed to produce or sell the item covered by the patent. In contrast to copyright this monopoly applies even if you are unaware of the patent.

Up until recently software authors have been able to protect themselves from people copying their work using copyright. Just like scriptwriters, or composers. The European Council and Comission are, in accordance with the wishes of many large US and Japanese software companies, proposing to allow software ideas to become patentable.

Winners and Losers

Unlike copyright, which is free, patents are expensive to obtain (£20,000 a pop, in Europe). They're even more expensive to enforce. Small companies, individuals, and communities lose out to corporate interests.

The patent system enforces the monopoly rights of large patent holders, and does a very bad job of protecting inventors or fostering innovation. Large companies use a process called cross-patenting to avoid being sued. Corporation X agrees not to sue Corporation Y for patent violation on the condition that Y do the same. Individuals working on free software projects, or small companies making non-free software are effectively marginalized.

It's impossible to research all the patents that might be used against you - the European Patent Agency has already granted 30,000 software idea patents, and they don't use any kind of consistent terminology.

Patents on ideas like computer programs open up the door for patents on other creative works - books and music - imagine how much the music scene would suffer had Hip Hop been patented by Sony!

Resources for action

Nearly **half a million** Europeans have already signed a petition against the introduction of software idea patents in Europe. Activists in **India** are fighting a similar struggle against patent provisions being imposed because of the TRIPS agreement. Write to your MP, MEP and the Secretary of State for Trade and Industry (Alan Johnson).

http://NoSoftwarePatents.com - Really clear and accessible introduction to the problems with software patents, in 17 different languages. Sign up for their regular action updates.

http://NoEPatents.org - Has a petition with over 420,000 signatures - why not add yours?

http://swpat.ffii.org - The Foundation for a Free Information Infrastructure patents site has news stories, in depth analysis, petitions and other resources.

This document was produced using **Scribus** (http://www.scribus.net) and **Debian GNU/Linux** (http://www.debian.org), both free software projects that may be threatened by software idea patents in Europe.

people & planet