

FSFE Envisions a Software Patent Free Europe

FSFE is working toward a world where software does what software users want it to do. For this, software users must be able to participate in the development and distribution of the software. Patents block this goal by adding legal and financial risks to software development and distribution and by giving the patent holders legal power to completely prohibit software developers from using the patented ideas.

Software patents are harmful

Software patents are particularly harmful when they cover an idea that is needed for compatibility. If patents are granted on communication protocols or word processor document formats, software developers can be completely prohibited from writing useful word processors or network communication software.

Software patents hinder innovation

It has also been argued that software patents harm society economically and in terms of innovation. These arguments have been made by the German Monopolkommission, Boston University School of Law, Deutsche Bank Research, Price Waterhouse Coopers, the US Federal Trade Commission and Nobel Prize winning economist Eric S. Masking.

What happened?

In 1998, an EU Directive proposed to make software ideas patentable. This proposal was opposed by FSFE and the Free Software community as well as many other groups. In June 2005, it was rejected by the European Parliament. A large consortium of partners opposing this directive was possible because software patents hinder

all software development: free, proprietary, commercial, and non-commercial.

What is the current situation?

Today, the European Patent Convention says that software ideas are not patentable. However, the European Patent Office has been granting thousands of software patents every year. Thanks to the European Parliament rejection, software patents are still unenforceable in Europe, and when challenged in court, the courts have usually declared the patents to be invalid, in line with current legislation.

FSFE's current focus is to ensure that the national courts are not removed from their current role. This is currently threatened by certain versions of proposals such as the Community Patent and the European Patent Litigation Agreement (EPLA) which could create a central European patent court, controlled by the European Patent Office.

Please support FSFE

Please support FSFE in our work to ensure that future changes to Europe's patent system respect Free Software users, developers, distributors, and businesses.

