

Free Software Foundation Europe (FSFE)

Statement to the 14th session of the Standing Committee on the Law of Patents (SCP/14) – Technology Transfer – Geneva, January 25-29, 2010

Thank you, Mr Chairman.

The Free Software Foundation Europe agrees with the remark made by Spain on behalf of the European Union that efforts to transfer technology must be complemented by a capacity of the recipient to absorb the technology. We also concur with the EU that businesses and individuals will have a central role to play in increasing the flow of knowledge around the globe. Free Software Foundation Europe believes that the businesses and individuals which form the global Free Software development community provide an example which should be studied in more depth. As the topic is not addressed in the present study, I would like to briefly list a few relevant points.

Paragraph 19 of the preliminary study states that there are only two ways to obtain new technologies: either to develop it oneself, or to acquire it from others. FSFE believes that this statement should be complemented with a very important third possibility: To develop a new technology in cooperation with others. This has the advantage that soon, all participants in the process will have an equally deep level of expertise.

Developing countries need to avoid being locked out of acquiring skills and competencies. We also agree with the views of the numerous delegations which consider the patent system as only one tool in the toolbox we have available to encourage technology transfer.

For the field of Free Software, also known as open source, recent studies demonstrate that the process of developing and adapting software helps users make technology truly their own. They become creators of knowledge, rather than merely passive consumers of proprietary technologies. Many Free Software projects are developed in an open and collaborative process. This greatly increases the absorptive capacity as discussed in paragraph 42 of the current study.

As described in the FLOSSIMPACT study which was prepared by the United Nations University's MERIT institute in 2006 on behalf of the European Commission, Free Software works as a free-of-charge high quality training environment. Developers benefit from a type of informal apprenticeships.

These informal apprenticeships are, in effect, a form of technology transfer between those who pay for formal training and those who do not, or cannot. Knowledge flows from big companies to small ones and from rich countries to poorer ones. As the necessary skills spread, business activity increases. The earning capacity of participating developers grows, even without an explicit investment in formal training.

Paragraph 22 of the study gives brief consideration to technologies not covered by patents. We believe that these points highlight the importance and the potential of innovative approaches to put patents and copyright into the service of social and economic development. We therefore encourage this committee to consider the enabling effects of these approaches in more depth.

Thank you, Mr Chairman.

Karsten Gerloff,

President, Free Software Foundation Europe,

Geneva, January 27

*A digital version with links to references studies and information is available upon request, all
FSFE statements also available at <http://fsfe.org/projects/wipo/>.*