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## **EUROPEAN PARLIAMENT VOTES AGAINST EUROPE'S INNOVATORS; WOULD ROB INVENTORS OF PATENT PROTECTION**

### **EICTA CALLS ON COUNCIL OF MINISTERS TO CORRECT DAMAGE EUROPEAN PARLIAMENT HAS DONE TO PROPOSED DIRECTIVE ON PATENTABILITY OF COMPUTER IMPLEMENTED INVENTIONS**

Brussels, 24.09.2003. As the primary representative of Europe's information and communications technology (ICT) sector, EICTA is dismayed by some of the amendments proposed by the European Parliament to the directive on the patentability of computer implemented inventions (CII).

Reacting to Wednesday's vote in the European Parliament, Anthony Parish, EICTA President said, "Parliament has made a great mistake by proposing a number of damaging amendments which will roll back patent protection for Europe's inventors in sectors as diverse as telecommunications, motor vehicles, information technology, machine tools and consumer electronics. As Commissioner Bolkestein said before the EP vote, the proposal before Parliament would only confirm existing European practice for patent protection of inventions implemented in computer programs. He said that half truths and misconceptions fuelled opposition to the directive. Commissioner Bolkestein was right. EICTA calls upon the Council of Ministers to correct the damage done in Parliament and restore the status quo which has served Europe well."

Over 30,000 patents for computer implemented inventions have already been issued to enterprises (both large and small), universities and publicly funded research institutions in Europe. The patent system is an important element in maintaining a healthy climate for innovation in Europe. "We ask for nothing more than an EU directive which confirms the status quo in Europe, allowing inventors to continue to patent their inventions implemented in software", said Mr. Parish.

Amendments which Parliament proposed to Articles 5 and 6 of the directive could prevent innovators from enforcing their patents. Among the greatest casualties will be small and medium size enterprises who may see their inventions easily copied and commercialised by imitators with larger marketing and distribution budgets. Proposed amendments to article 2 take European patent law back to a German doctrine used in the 1930s and discarded long ago. If these amendments are adopted



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by the Council of Ministers and ultimately included in the final text of the directive, many European innovators would be deprived of adequate protection for their inventions. Competitors in other parts of the world will receive protection for such inventions in their home markets while inventors in Europe will suffer from the lack of such possibilities. This is yet another blow to European competitiveness.

Responding to concerns expressed by some MEPs that a directive would damage open source software (OSS) development, Mr. Parish replied, “EICTA’s members include some of the most prolific contributors to open source software communities. We would not support a directive which would hinder OSS development. OSS communities flourish while tens of thousands of patents on computer implemented inventions have been issued worldwide. Experience demonstrates that effective intellectual property protection and open source development coexist and do so well.”

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EICTA - European Information, Communications and Consumer Electronics Technology Industry Association - combines 44 major multinational companies as direct members and 29 national associations from 19 European countries. EICTA altogether represents more than 10.000 companies all over Europe with more than 1.5 million employees and revenues of over 190 billion Euro