

European Parliament 2003-09-24 Vote to Secure the Foundations of a Free Information Infrastructure:

Freedom of Publication

Freedom of Interoperation

Data Processing is not a Field of Technology

Software Innovations are not Patentable Inventions

Digital Creation is not Industrial Production

Information Economics is Different

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This year on September 24th the European Parliament decided to reconfirm the non-patentability of software and to codify the freedom of publication and freedom of interoperation as fundamental rights of the Information Society which take precedence over any possible property claims.

The European Parliament thereby went against the European Commission and Council and instead followed the demands of 250,000 petition signators, among them several thousand CEOs of software companies, as well as the consensus of practically all respected programmers and economists concerned with the subject.

Meanwhile, in the USA, the Federal Trade Commission (FTC.gov) conducted hearings which led to the official conclusion, based on abundant evidence from a series of public hearings, that patents in the field of software are not promoting innovation but stifling it.

Programmers feel strongly that they should be free to develop and control their own works as far as possible. They want to be sure that what they write is theirs, and they want to be able to decide how much of it they make available to whom at what conditions. Copyright supports the freedom and property aspirations of programmers, while patents undermine them.

Copyright can be seen as an extension or systematisation of clauses that can and normally would also be imposed by contract. As far as this is the case, copyright is well-adapted to the needs of the information society. The patent system however has proven to be inadaptable. This is no surprise, since the patent system was never intended to cover information innovation. Rather, the classical definition of the “technical invention” has been “solution to a problem by the use of controllable forces of nature”. This definition was reconfirmed by the European Parliament this year.

As the Information Society matures, an ethical consensus is taking shape among those who are productive in this environment. It is the mission of FFII to make sure that their voices, and not just the kneejerk reactions of lawyers and traditional big business are heard by the legislators. While the Parliament was receptive to our concerns, the Commission and the Council continue to be bastions of patent lawyers and other vested interests with a simplistic view of information economics. Europe will continue to be the world's focal point in the ongoing struggle for freedom and legal security in the information society. Please visit the FFII.org website, read the full documentation and support our actions!