

Answer from Chirac's Technical Adviser

<http://swpat.ffii.org/lisri/04/chirac040824/index.en.html>

Workgroup

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english version 2004/09/06 by Gerald SEDRATI-DINET*

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In a letter, on 2004-08-24, the french president's technical adviser answers to the Urgent Appeal of FFII.

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1 The Text

In a letter, on 2004-08-24, the french president's technical adviser answers to the Urgent Appeal of FFII.

Mister Vice-Président,

In a letter dated on August 2004 the 5th, you have drawn the attention of Mr. the President of the Republic to your concerns concerning the European draft Directive about software patents.

Being very sensitive to your concerns, the Head of the State has charged me with the responsibility to thank you for your letter and to answer you.

*<http://gibuskro.lautre.net/>

As you know, France supported the Irish compromise but matched its vote of a declaration pointing out the goals which it intends to pursue, namely a clear framing of the patentability of software which puts an end to the drifts of the EPO.

Would that aim not be reached by the selected text, it would be advisable to return there with the assistance of the European Parliament.

Sincerely yours

Stéphane DUPRÉ LA TOUR

2 Annotated Links

- **Software Patents in France¹**

The french government understands well that software patentability is harmful to the interests of France and has documented this understanding by political interventions from time to time. Yet, in general, France's patent policy is in the hands of the French Patent Office (INPI), whose representatives regularly hold the government's policies in contempt and follow only the consensus of the European Patent Organisation. Recently, the Raffarin government has softened its stance of opposition to software patentability. All advisors who have acquired a knowledge of the dossier were dismissed and instead a person of trust of the patent movement was entrusted with patent policy. In Raffarin's election district, a major public infrastructure project called Lunapark is said to be financed by Microsoft.

- **France 2002-03-01: EU Commission Directive Proposal Unacceptable²**

The french government has criticised the CEC/BSA Software Patentability Directive Proposal at the European Internal Market Council's meeting of 2002-02-28, in which commissioner Bolkestein explained this proposal to the patent policy representatives of the European Union's member states. France expressed dismay about the proposal's apparent failure to outline a clear limit on patentability, to critically assess the economic effects of the EPO's recent practise, to take serious research into account and to provide a valid rationale in view of european public policy targets such as those laid down in the e.Europe plan. Industry minister Christian Pierret immediately published this position in a press release.

¹<http://localhost/swpat/gasnu/fr/index.en.html>

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- **Urgent Call to National Governments and Parliaments³**

Europe's governments are about to put their stamps under a directive proposal for unlimited patentability and unfettered patent enforcement of "computer-implemented" algorithms and business methods. The agreement by the Council of Ministers of 2004-05-18 discards well-deliberated decisions of the European Parliament and the EU's consultative organs without any justification and without democratic legitimation. The majority was secured by deceptive packaging and by questionable diplomatic maneuvering at the decisive session. The undersigned, who represent the leaders of software innovation and informed discussion on software innovation policy in Europe, ask the responsible politicians to pull the emergency brake and to reorganise the process of competitiveness legislation in the Council.

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³<http://localhost/swpat/xatra/cons0406/index.en.html>