

SME Manifesto on Patents for Computer-Implemented Inventions

April 2005

We are pleased that the European Commission and Council are proposing a Directive on the patentability of computer-implemented inventions that would confirm the current well-established practice in Europe in granting patents for computer-implemented inventions that meet all the tests for patentability, and reduce discrepancies among different Member States.

Patent protection for computer-implemented inventions is an important element for us in doing business and being competitive for a number of reasons.

- Patents showcase our innovative technology, reflecting the value in the company attributable to innovation, thus attracting investors.
- Patents give us protection for the functionality of an invention implemented in software. This protection is not available with copyright, important though copyright can be in controlling unauthorized copying of our computer code by others.
- Patents give us vital negotiating leverage against bigger companies. We are much safer, because our technology is protected, when we discuss our innovative computer-implemented inventions with others, whether a big or small company.
- Patents enable us to license our technology to others, thus generating a financial return on investment.
- Patents signal our presence to others working in the same field, opening the way to possible new collaborations or technology transfer arrangements.

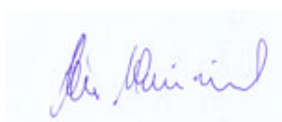
We are not looking for patent law in Europe to be changed. We do not want patentability to be made any narrower or broader than it stands now. We just want it to be more transparent and certain, and applied uniformly across the EU.

A Directive would provide all this. It should also result in the reduction of costs, as the need to obtain legal advice in more than one country would become less important. In order to further reduce costs on a medium- and long term basis, we urge the EU to look into the costs issue and to identify additional solutions.

We believe that patents should not be available for business methods. It is important, therefore, to allow patents only for computer-implemented inventions which make a “technical contribution”, in line with the current practice of the European Patent Office. Once adopted, we call upon the European Institutions to safeguard the correct implementation and application of the Directive, ensuring

good quality examination of patent applications throughout Europe in order to avoid trivial patents.

The Directive as proposed by the Council will provide the necessary clarity, restrictions to prevent overly broad patentability and give useful harmonization across Europe. However, the door should remain open for the European Commission to monitor the application of the Directive and to suggest amendments to the Directive if necessary in the future. We call on the European Parliament to confirm the Council Common Position and adopt the CII directive.



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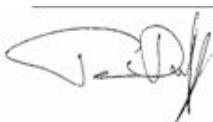
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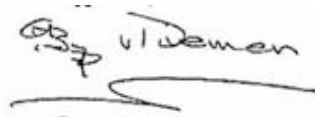
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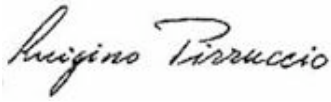
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