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To the members of the
European Parliament

Groningen,
march 18, 2003

Dear member of the European Parliament,

You are currently faced with a directive proposal “for the patentability of computer-implemented inventions”. According to this proposal, abstract rules, principles and problems can become the property of a patent applicant, as far as they are framed in the terminology of electronic data processing. You are the first elected legislative body of the world which has to decide whether people can be excluded from using abstract rules, principles and problems in their most generalised contemporary form. The European Patent Office has already granted more than 20000 such patents since 1986. You are now asked to supply the missing legal basis for these patents, so that national courts can no longer declare these patents to be invalid or inapplicable.

The rapporteur for the JURI committee, Mrs Arlene McCarthy, has written a draft report about this directive proposal which further strengthens the directive’s baseline of making all useful ideas patentable. The line taken by this report is based on arguments that are not always fully consistent and show some unbalance by disregarding or misrepresenting practically all economic studies and opinions, even those commissioned by EU institutions. Among these are the reports published by the European Commission and the European Social and Economic Council, studies and consultations of the European Parliament such as report JURI-107, and a petition of 140,000 European signatories, most of them computer professionals, which is directed to the European Parliament.

For further information on this matter, a thorough analysis of the McCarthy report is available from:

<http://swpat.ffii.org/papers/eubsa-swpat0202/amccarthy0302/>

This site also proposes a collection of documented amendment proposals, including the ones voted in the CULT and ITRE committees, and which show the damaging consequences of the current form of the directive proposal:

<http://swpat.ffii.org/papers/eubsa-swpat0202/prop/>

Please feel free to contact us, should you have any question regarding this most important issue impacting the freedom and productivity of European citizens and businesses in the information age.

Thank you very much for your understanding.

Sincerely yours,

Luuk van Dijk
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