

# ***FFII VOTING LIST***

## ***6 JULY 2005***



*Report:*       ROCARD    (A6-0207/2005)    [\*\*\*II]  
 Patentability of computer-implemented inventions

*Committee:*   Legal Affairs

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
Rejection of the common position	62= 65= 71=	IND/DEM ALDE Greens/EFA + EUL/NGL	RCV	+	<b>adoption = common position is rejected and the act is not adopted</b>  <b><i>A rejection is the Parliament's logical answer to the Commission's refusal to restart the legislative process.</i></b>
<b><i>Amendments by the committee responsible - block vote</i></b>	1-3 8 10 12 18-19 21 26 29-31 33 35-39	<b><i>committee</i></b>		+	

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks	
<i>amendements by the committee responsible - separate votes</i>	4	<i>committee</i>	separate	-	<i>Not limiting in practice and unclear</i>	
	7	<i>committee</i>	separate	-	<i>Unclear definition of "data processing"</i>	
	9	<i>committee</i>	separate	-	<i>Talks about EPO's problem-solution approach</i>	
	11	<i>committee</i>	split			
			1	+		
			2	-	<i>Remove unsubstantiated claims about benefits of patents for SMEs</i>	
	3	+				
	13	<i>committee</i>	separate	-	<i>Mostly harmless, but not appropriate for inclusion in a legislative text</i>	
	22	<i>committee</i>	split			
			1	+		
			2	+		
	23	<i>committee</i>	separate	+		
	24	<i>committee</i>	separate	+		
	27	<i>committee</i>	separate	+		
	28	<i>committee</i>	separate	+		
32	<i>committee</i>	separate	+			
34	<i>committee</i>	separate	+			
Article 1	40= 72= 93= 114= 135= 158=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	++	adoption 40/72/93/114/135/158 = 14 falls  <b>"computer-aided inventions", throughout</b>	
	14	<i>committee</i>		+		
Article 2, point a)	41= 73= 94= 115= 136= 159=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	++	adoption 41/73/94/115/136/159 = 15 falls  <b>Ensures "invention" means more than just anything appearing in a patent claim</b>	
	15	<i>committee</i>		+		

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
Article 2, point b)	42= 74= 95= 116= 137= 160=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+++ <b>vital</b>	adoption 41/73/94/115/136/159 = 16 falls <b>Similar to JURI version, without superfluous "technical"</b>
	16	<i>committee</i>		+	<b>Makes all contributions technical by definition, better than Council version</b>
Article 2, after point b)	43= 61= 75= 96= 117= 138= 161=	PES EPP-ED EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	++	adoption 41/61/73/94/115/136/159 = 17 falls <b>"Applied natural science", consensus item</b>
	17	<i>committee</i>		+	<b>"application domain" requiring forces of nature"</b>
	44= 76= 97= 118= 139= 162=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	
Article 3	45= 77= 98= 119= 140= 163=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	++	adoption 45/77/98/119/140/163 = 20 falls <b>Remove mixing of patentability requirements</b>
	20	<i>committee</i>	split/ RCV		
			1	++	
		2	-- <b>vital</b>	<b>Ensure non-technical features cannot contribute to inventive step</b>	
After article 3	156	PANNELLA ao		+	<b>"Data processing not a field of technology"</b>
Article 4, § 1	46= 78= 99= 120= 141= 164=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+++ <b>vital</b>	adoption 46/78/99/120/141/164 = 157 falls <b>Whole purpose of the directive is to explain "as such"</b>
	157	PANNELLA ao		+	<b>"Programs for computers are not inventions"</b>

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
Article 4, § 2	47= 79= 100= 121= 142= 165=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+++ <b>vital</b>	<b>Council text makes exclusion of "computer programs as such" meaningless</b>
Article 4, after § 2	59= 91= 112= 133= 154= 177=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+++ <b>vital</b>	<b>Codify German and UK case law (improvements in data processing are not technical contributions)</b>
Article 5, § 2	48= 80= 101= 122= 143= 166=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+++ <b>vital</b>	<b>No patent claims to programs on their own</b>
	66	ALDE		-	<b>Still catches legitimate "fair uses" (because prohibition on distribution)</b>
Article 5, after § 2	49= 81= 102= 123= 144= 167=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	++	<b>Ensure balance between freedom of publication and contributory infringement</b>
	64	ALDE		-	<b>Good intention, unfortunate wording</b>
After article 6	50= 82= 103= 124= 145= 168=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+++ <b>vital</b>	adoption 50/82/103/124/145/168 = 68, 67, 63+25 fall <b>Interoperability exemption in the spirit of the 1991 software copyright directive</b>
	68	MANN ao	split/ RCV		adoption 68 = 67, 63+25 fall
			1	+	<b>Interoperability exception, apart for recognised standards</b>
			2	-	
	67	UEN	RCV	-	adoption 67 = 63+25 fall <b>Compulsory license procedures, subject to Art 30 TRIPS</b>
	63	EPP-ED		-	adoption 63 = 25 falls <b>Compulsory license procedures, fewer injunctions</b>
25	<b>committee</b>		-	<b>Compulsory licence procedures</b>	

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
Recital 6	51= 83= 104= 146= 169=	PES EUL/NGL Greens/EFA ROITHOVÁ ao DUFF ao	RCV	+	adoption = 125 falls  <i>Clarify that TRIPS does not require software patents</i>
	125	IND/DEM		+	<i>see footnote</i>
Recital 7	52= 84= 105= 126= 147= 170=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	
Recital 9	53= 85= 106= 127= 148= 171=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	<i>Should reflect awareness of positive and negative effects of patents</i>
Recital 10	54= 86= 107= 128= 149= 172=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	<i>Underlying ideas in software being open means a free market and more competition</i>
Recital 11	60= 92= 113= 134= 155= 178=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	<i>Correct "invention" to "innovation"</i>
	5	<i>committee</i>		+	<i>Full statement of the patentability requirements</i>
Recital 12	55= 87= 108= 129= 150= 173=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	<i>Technical contribution is a test of invention (Art 52 EPC)</i>
	6	<i>committee</i>		-	<i>No significant difference from erroneous Council text</i>
Recital 13	56= 88= 109= 130= 151= 174=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	<i>If no technical contribution, no invention</i>
Recital 16	57= 89= 110= 131= 152= 175=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	<i>An algorithm cannot be a technical contribution in itself</i>

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
Recital 19	58= 90= 111= 132= 153= 176=	PES EUL/NGL Greens/EFA IND/DEM ROITHOVÁ ao DUFF ao	RCV	+	<i>Delete - speaks of non-technical inventions</i>
After recital 20	69	MANN ao		+	<i>If this has not fallen following the rejection of am 68</i>
	70	MANN ao		+	<i>If this has not fallen following the adoption of am 50</i>

*The words "both of which would act as barriers to free trade" should not appear in the text of Am 125*

=identical amendments

Requests for roll-call votes

PES: ams 40 - 60, 68  
Greens/EFA: ams 20, 42, 46, 47, 48, 50, 67, 68, 62/65/71  
EUL/NGL: ams 20, 42, 46, 47, 48, 50, 67, 68, 62/65/71  
EPP-ED: ams 62/65/71  
ALDE: ams 62/65/71  
IND/DEM: ams 62/65/71

Requests for separate votes

PES: ams 4, 7, 9, 11, 23, 24, 27, 28, 32, 34  
Greens/EFA: ams 4, 7, 13  
EUL/NGL: ams 4, 7, 13  
ALDE: am 22

Requests for split votes

**PES**

**am 11**

*1st part:* Text as a whole *excluding the phrase* "Intellectual property rights ... do larger entities"  
*2nd part:* this phrase

**Greens/EFA**

**am 11**

*1st part:* "Small and medium-sized enterprises ... and its Member States"  
*2nd part:* "Intellectual property rights ... Commission as necessary"

**am 20**

*1st part:* Text as a whole *excluding the words* "and non-technical"  
*2nd part:* these words

**am 68**

*1st part:* as a whole *excluding the words* "product or service"

*2nd part:* these words

**EUL/NGL****am 11**

*1st part:* "Small and medium-sized enterprises ... and its Member States"

*2nd part:* "Intellectual property rights ... Commission as necessary"

**am 20**

*1st part:* Text as a whole *excluding the words* "and non-technical"

*2nd part:* these words

**EPP-ED****am 22**

*1st part:* "Text as a whole *excluding the word* "aided"

*2nd part:* this word

**VOTING ORDER:****am 11**

*1st part:* "Small and medium-sized enterprises ... and its Member States"

*2nd part:* "Intellectual property rights ...do larger entities."

*3rd part:* "To ensure that this Directive ... Commission as necessary"

**Miscellaneous**

Amendments 135 - 155 inclusive are signed by Mrs Roithová, Mr Buzek and others and not on behalf of the EPP-ED