

Software patents are another kind of disease

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On Friday May 8th, the USPTO announced the COVID-19 Prioritized Examination Pilot Program. Doctored up to look like a helpful response to a global pandemic, it's actually the exact opposite. Under the program, the USPTO will waive some fees associated with accelerated application review for patents on works that require US Food and Drug Administration (FDA) approval. They'll also work to try and get these applications granted within six months. These changes will make it easier and faster for people to gain patents on any technology related to the pandemic, including patents on software. It's not in our scope to determine the impact of other kinds of patents, but we know specifically that they are terrible for software, and at a time where software is critical to saving lives, expediting software patent applications will only cause harm.

To be clear, this program does not speed up FDA approval, or help to get lifesaving technology to the people who need it most. It doesn't create supply chains or help fund the development of medical technologies and software. All it does is make it easier for someone to "own" that technology, to make it quicker and cheaper to restrict others from implementing and sharing tools that people need to survive. It rushes the patent application process so that someone could be able to sue others trying to save seriously ill patients around the world before the global pandemic is over.

While the crisis was unfurling, the GNOME Foundation was still expending resources fighting off a patent suit started in 2019. On May 20, 2020, the GNOME Foundation succeeding in securing a release and covenant not to sue from the patent aggressor for all software released under a free license. This was a major win for software freedom that took

months and months to realize. But the threat remains, and the only reason someone would need to get their patent granted sooner is because they want to start their lawsuits sooner, to disrupt the flow of medical technology in order to siphon off profits from those seeking to alleviate the worst pandemic in a century.

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Also: [FSF Calls Software Patents A Disease Amid COVID-19 Crisis, USPTO A Super-Spreader](#) [3]

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