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European Parliament Fails to Agree on Computer Patents

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European parliamentarians are expected to reject legislation on Wednesday on the patenting of computer-related inventions, ending a testy four-year debate without resolution.

The main political parties in the European Parliament agreed late Tuesday to abandon the proposal rather than risk an inadequate compromise; they are to vote against the proposal at their plenary meeting on Wednesday in Strasbourg, France.

"It is clear that the proposal is dead," the conservative parliamentarian from Germany, Klaus-Heiner Lehne, said in a telephone interview late Tuesday from Strasbourg.

The proposed directive was originally meant to reconcile existing laws on computer-related patents to make it easier for inventors to register their innovations across Europe. It was seen as a crucial element in Europe's drive to become more competitive.

But during the protracted and sometimes vitriolic debate, the proposal was reshaped twice: first by the Parliament two years ago, when it tried to make it difficult to patent anything related to software; and again earlier this year, when national governments went in the opposite direction, granting much greater scope for patent protection than intended in the European Commission's original draft.

Like the politicians, industry has also been divided over the shape of the draft law, with large patent owners, including Microsoft, Nokia, Royal Philips Electronics and SAP, firmly in favor of the version allowing greater patent protection. Other software companies, among them Red Hat and Sun Microsystems, and the free software movement have warned that such a law would damp innovation, in particular in open-source software.

Thomas Vinje, a partner at the Clifford Chance law firm whose clients include Red Hat and Oracle, said, "The open-source software business model would have been seriously threatened" if the tighter law was adopted. He welcomed the moves to reject the proposed directive. "Big money has lost," he said.

Europe pioneered the concept of open-source software development, and its supporters have argued that the only way for Europe to catch up with the United States in software is by nurturing the open-source movement.

"We are quite pleased with today's debate," said Mark Webbink, Red Hat's senior legal counsel, speaking from Strasbourg. "It may not be the most positive outcome, but it's a close second."

The patent lobby was less enthusiastic. "A rejection would be unfortunate," said Les Hayman, a so-called ambassador at SAP who reports directly to the chief executive, Henning Kagermann.

Francisco Mingorance, a consultant with the Business Software Alliance, a trade group whose members include Microsoft, said, "If the Parliament decides not to have a directive, we'll respect that,"

Conservatives, liberals and socialists in the European Parliament are urging the European Commission to try to secure agreement on a broader patent policy before trying to tackle the thorny area of computer-related patents.

The European Union has been trying for many years to agree on a community patent policy covering all types of inventions, but has failed because some smaller countries insist that patents be translated into all the official languages of the group.

Source [2].

Misc

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