

FFII

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# EPO software patents continue despite 10th anniversary of the European Parliament vote

By FFII

**Brussels, 24 September 2013 — Ten years after the historical vote of the European Parliament to ban software patents, the EPO, the patent community and large companies continue to push for their validation through the Unitary Patent Court.**

Benjamin Henrion, president of the FFII, says: *“Freedom of programming has won that day, but it did not take long for the enemies of freedom to fight back. While freedom fighters went back to their businesses and families, the patent community kept pushing for the next step, a central patent court in order to validate the software patents granted by the EPO.”*

FFII vice president Rene Mages declares : *“The patent microcosm excels to lobby the European commission and to change the designation (in a way a clumsy strategy) specially when our activism is winning : CII, EPLA, London Agreement, UPLS, and now Unitary Patent with a new Patent Court but the main goal is an invariant : to make official an intolerable drift of the patentable subject matters since 1986 (see Vicom case law). This type of underhand drift is profit-making for the patent microcosm, that goes without saying.”*

The patent failure (title of a famous Bessen-Meurer book) is more than obvious : one of the best proofs is the increasing number of patent litigations ( see the pitiful saga of the patent trolls). It is time to rewrite new patent law texts, in particular to redefine what is not an invention, what is not an industrial application. Patent laws currently in force were fitted (but often in a controversial way) to the two previous centuries but they are completely inapplicable at the new digital world. FFII founder Hartmut Pilch – during 2008 – has said with a great pertinence : *“Integrate the patent and copyright system into a paradigm that is compatible with the digital age”*. Of course it is time also to put on the table the EPO non legitimacy to interpret the law. EPO is not an official European institution (with SUEPO we must repeat and repeat this evidence). The FFII favorite mantra is more than ever true : *“Never forget this evidence: The European Patent Office finances itself by fees from the patents which it grants”*. It is an open secret that European commission is under influence of EPO and patent microcosm. Is it clear enough for a majority of our politicians?

## Links

- Europarl 2003-09-24: Amended Software Patent Directive  
<http://eupat.ffii.org/papers/eubsa-swpat0202/plen0309/resu/index.en.html> (<http://eupat.ffii.org/papers/eubsa-swpat0202/plen0309/resu/index.en.html>)
- The Unitary Patent Package: Twelve Reasons for Concern (by Reto Hilty, Thomas Jaeger, Matthias Lamping, Hanns Ulrich)  
[http://www.ip.mpg.de/files/pdf2/MPI-IP\\_Twelve-Reasons\\_2012-10-17\\_final3.pdf](http://www.ip.mpg.de/files/pdf2/MPI-IP_Twelve-Reasons_2012-10-17_final3.pdf)  
([http://www.ip.mpg.de/files/pdf2/MPI-IP\\_Twelve-Reasons\\_2012-10-17\\_final3.pdf](http://www.ip.mpg.de/files/pdf2/MPI-IP_Twelve-Reasons_2012-10-17_final3.pdf))
- The European Unified Patent Court: Assessment and Implications of the Federalisation of the Patent System in Europe by Dimitris Xenos (2013)

- Unitary patent under enhanced cooperation (the 2012-12-11 comment of Gibus a former FFII vice-president)  
<http://blog.ksnh.eu/en/2012/12/09/what-if-the-united-kingdom-were-to-leave-the-european-union/#comment-1807> (<http://blog.ksnh.eu/en/2012/12/09/what-if-the-united-kingdom-were-to-leave-the-european-union/#comment-1807>)
- Vicom case law  
<http://www.epo.org/law-practice/case-law-appeals/recent/t840208ep1.html> (<http://www.epo.org/law-practice/case-law-appeals/recent/t840208ep1.html>)
- Patent failure (by James Bessen and Michael J. Meurer)  
<http://researchoninnovation.org/dopatentswork/> (<http://researchoninnovation.org/dopatentswork/>)
- The pitiful saga of patent trolls  
<http://wiki.ffii.fr/wakka.php?wiki=PatentTrolls> (<http://wiki.ffii.fr/wakka.php?wiki=PatentTrolls>)
- Patents Considered Evil (by Pieter Hintjens a former FFII president)  
<http://hintjens.com/blog:31> (<http://hintjens.com/blog:31>)
- The warning of SUEPO to the President of the European Parliament  
<http://epla.ffii.org/forum/t-240861/no-power-for-the-parliament-warns-epo-examiners-association> (<http://epla.ffii.org/forum/t-240861/no-power-for-the-parliament-warns-epo-examiners-association>)
- Copyright For Innovation (by Hartmut Pilch the FFII founder)  
<http://eupat.ffii.org/c4i/> (<http://eupat.ffii.org/c4i/>)
- Permanent link to this press release  
[https://press.ffii.org/Press\\_releases/EPO\\_software\\_patents\\_continue\\_despite\\_the\\_european\\_parliament\\_vote](https://press.ffii.org/Press_releases/EPO_software_patents_continue_despite_the_european_parliament_vote) ([https://press.ffii.org/Press\\_releases/EPO\\_software\\_patents\\_continue\\_despite\\_the\\_european\\_parliament\\_vote](https://press.ffii.org/Press_releases/EPO_software_patents_continue_despite_the_european_parliament_vote))

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## About the FFII

The FFII is a not-for-profit association, dedicated to the development of information goods for the public benefit, based on copyright, free competition, and open standards. More than 1,000 members,

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## Related

Petition demands effective ban of software patents in Europe (<https://blog.ffii.org/petition-demands-effective-ban-of-software-patents-in-europe/>)  
December 12, 2008  
In "FFII"

European Commission: EPO Case Law Not Binding - Software Not Patentable (<https://blog.ffii.org/european-commission-epo-case-law-not-binding-software-not-patentable/>)  
May 24, 2006  
In "FFII"

EU patent plans are a fuel for patent trolls, says British Telecom (<https://blog.ffii.org/eu-patent-plans-are-a-fuel-for-patent-trolls-says-british-telecom/>)  
April 27, 2012  
In "FFII"

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