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Dear Meg,

SOFTWARE PATENTS

I am writing to you personally concerning the current debate which is taking place in Europe concerning Software Patents, and I would like you to bring my concerns to the attention of Stephen Timms at the DTI.

The reasons why software should remain un-patentable include the following.

- The introduction of software patents will adversely effect people whose business is the writing of software programmes. This is because a large number of ideas must be combined in a modern software programme, and it is simply not possible for programmers to check whether all the ideas being combined are patent-free. Software patents are thus like landmines, waiting to blow up in the face of the software programmer, the company which employs the programmer, or of the user of the software.

- If software becomes patentable, this will reduce innovation in the development of e-learning (and other!) software, and it will increase monopoly, and reduce consumer choice and value for money. It will particularly disadvantage the UK software and European software industries, and play into the hands of large US companies, since at present they hold the majority of software patents. This will harm the development of the European software industry; and it will harm the positioning of Sheffield as a major national and international centre of excellence in the e-learning field. It will also endanger SMEs and sole traders such as myself, who do not have the resources for patent build-up and litigation, but who constitute the "growth sector" of the software industry.

- The free ("open source") software on which most of the WWW depends, and which is rapidly gaining popularity for heavyweight industrial, public sector, and commercial applications (see for example the UK Office of Government Commerce's 2002 "Open Source Software – Guidance on Implementing Government Policy", is directly threatened by software patents.

Currently, the UK Patent Office is advising that software patenting would be a "good thing". It really does seem to me to be perverse, that when the professionals who actually write and use software are overwhelmingly against the introduction of patents on software, the views of patent lawyers, and

others whose business is the creation and policing of patents, rather than the creation of software should be allowed to influence policy on this issue.

I fully support the view adopted in the European Parliament in September for strong restrictions on software patents, and I think it would be against the interests of the UK software industry for these restrictions to be set aside when the EU's Competitiveness Council of Ministers meets on 10 November.

I hope I can count on your support in this matter.

Yours sincerely,

Seb Schmoller