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EU ministers endorse patent law

European ministers have endorsed a controversial proposed law on patents which critics say could stifle software development.



Software patents remain controversial

Some major tech firms say it is needed to protect inventions, while others fear it will hurt smaller tech firms.

The draft bill still needs the backing of the European Parliament - which is unlikely to rubber stamp the proposals.

Some MEPs have said they will reject the bill or require substantial changes before it is made law.

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French Green MEP Alain Lipietz warned two weeks ago that the parliament would reject the Council of Minister's version of the legislation as part of the final or conciliation stage of the decision procedure.

The parliament demanded that the European Commission, the EU executive, resubmit the draft law to a first reading, which would make it easier to propose amendments aimed at limiting the scope of possible patents.

The Commission, which has the sole right to propose pan-EU legislation, refused, saying that the ministers should decide on the draft law.

EU Internal Market Commissioner Charlie McCreevy had threatened to scrap the entire proposal, which is meant to harmonise patent law on software across the 25-nation union, if governments did not end their delay in approving the bill.

Mr McCreevy said he would now "engage constructively" with EU governments and the parliament to try and reach a compromise.

"I will work to make sure these concerns are taken into account in the interest of a balanced result," McCreevy said.

But some critics feel that the process is being forced through by the Commission.

Florian Mueller, who head protest group NoSoftwarePatents.com, described the process as "democratic illegitimacy".

But pro-patent group Campaign for Creativity welcomed the second reading of the draft bill.

Simon Gentry, director of the campaign, said: "The European Parliament now has to consider whether it really wants to be responsible for stripping Europe's innovative hi-tech companies of their patent protection just as other parts of the world,

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notably India and China are introducing... patents to encourage and protect their innovators."

In the US, the patenting of computer programs and internet business methods is permitted.

Critics


This means that the US-based Amazon.com holds a patent for its "one-click shopping" service, for example.

Critics are concerned that the directive could lead to a similar model happening in Europe.

This, they fear, could hurt small software developers because they do not have the legal and financial might of larger companies if they had to fight patent legal action in court.

Supporters say current laws are inefficient and it would serve to even up a playing field without bringing EU laws in line with the US.

The proposals have the backing of firms such as Nokia and Microsoft.

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