

Software patents may threaten the future of Xoops! - Developer News

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Innovation, knowledge sharing and building on existing ideas and methods are fundamental and essential to healthy software development, regardless of whether it is open source or commercial. It also happens that these very attributes are exactly the opposite of what of the worlds [sociopathic](#) multinational corporations consider to be in their own best interest. It was a very sad day yesterday when the European Council decided to adopt the [Computer Implemented Inventions Directive](#) despite opposition from Denmark, Poland and Portugal. Due to technology such as the Internet, software distribution is no longer bound by geographical location, and as such this decision by the European Council **will** have worldwide implications. There is one last hope for some common sense to be injected into this whole sorry state, and that is if the European Parliament amend or reject this directive. If they fail, then it will become much more a matter of due process for this perversion of democracy to become a reality. It is of critical importance that everyone who uses computers in any capacity have a basic understanding of what the Computer Implemented Inventions Directive means in practical terms. To do this you'll need to know; What are patents? Why are they bad, and who will benefit from them?

What is at stake?

What can you do?

To find out more please read the full article.

What are patents? In layman terms, a patent gives the patent holder a time limited monopoly on the patented item. During the life of the patent (currently 20 years) the patent holder can do pretty much whatever they please with the patented item. This includes everything from selling licenses to be able to use it (at a greatly inflated cost), to simply denying it's use to everyone else. In a system that supports patents, you may be sued and even imprisoned for patent violations, regardless of whether the patent violation was intentional or not.

Why are they bad, and who will benefit from them? The three main reasons why patents do not work well in a software development environment is that software is like building blocks, and even though a specific function of a peice of software might be unique, the methods and ideas used to created it very rarely are. Couple this with the fact that there is no limit on what can be patented (see below), and the 20 year life span of a patent, then you very quickly create a minefield situation where literally no software will be able to be developed without violating several patents.

The obvious spin off from this is that the only parties to be able to compete and actually survive in this environment are the large corporations with huge budgets to burn on obtaining and enforcing large patent portfolios, such as Microsoft who projected to apply for 3000 patents in 2004 alone. So it is quite clear that the only people to benefit from software patents are patent professionals and large corporations looking to use them as powerful weapons against their competitors, big and small.

What is at stake? Short answer is everything related to computers, including many open source projects including [Linux](#). If this directive passes, anything and everything will become fair play, and I do mean everything. Even something as simple as a progress bar has already been patented with the justification that it makes more efficient use of the limited space on a computer screen. If you think this is over the top, then it is highly advisable that you head on over to the [Patented European webshop](#) to view European patents that have already been granted. This meaning that if this directive passes these patents will become enforceable by law, and you could be spending prison time for simply using a shopping cart on your website.

What can I do? There is little doubt that this directive threatens the future of computing for all of us, so the question is what can you do. The important thing here is that **you do something!** Check out these sites who are dedicated to fighting for common sense on this matter;

[No Software Patents](#)

[Foundation for a Free Information Infrastructure](#)

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