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Press Release

FOR IMMEDIATE RELEASE:

Parliament proposal on software patents would hit small firms

Brussels, 21 June 2005 UEAPME, the European small and medium business association, has condemned the failure of the European Parliament Legal Affairs Committee to unequivocally prevent the patenting of software as a blow for small businesses in the EU, following an important committee vote yesterday (Tuesday).

“The failure to clearly remove software from the scope of the directive is a setback for small businesses throughout Europe. UEAPME is now calling on the European Parliament to reverse yesterday’s decision at plenary session next month and send a strong message that an EU software patent is not an option,” **Hans-Werner Müller**, UEAPME Secretary General, stated.

“There is growing agreement among all actors that software should not be patented, so providing an unequivocal definition in the directive that guarantees this is clearly in the general interest. We are calling on the Parliament to support the amendments that would ensure this,” said Mr Müller.

“The cacophony of misinformation and misleading spin from the large industry lobby in the run up to this vote has obscured the general consensus on preventing the patenting of pure software.”

The amendments proposed by the rapporteur M. Rocard, among others, would have provided some much-needed clarity with regard to the definition of what will be patentable and would prevent software from being covered by the directive. Removing the uncertainty from the proposal and later legal interpretation is therefore in the interest of all involved parties.

UEAPME is opposed to the introduction of an EU software patent, which would reinforce monopolisation in the software sector, damage interoperability and act as a barrier to innovation by SMEs. Small firms simply do not have the resources to engage in the costly and time-consuming process of patent application. This would enable dominant large firms in the sector to secure vast numbers of patents and result in crippling litigation costs, which would put small firms out of business.

UEAPME believes that software is already successfully covered by the copyrighting system, under which the software sector has developed and continues to flourish. Open sourcing has enabled innovation in the software sector to thrive and small firms to act as job generators. Introducing software patenting would threaten the survival of these smaller innovators.

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