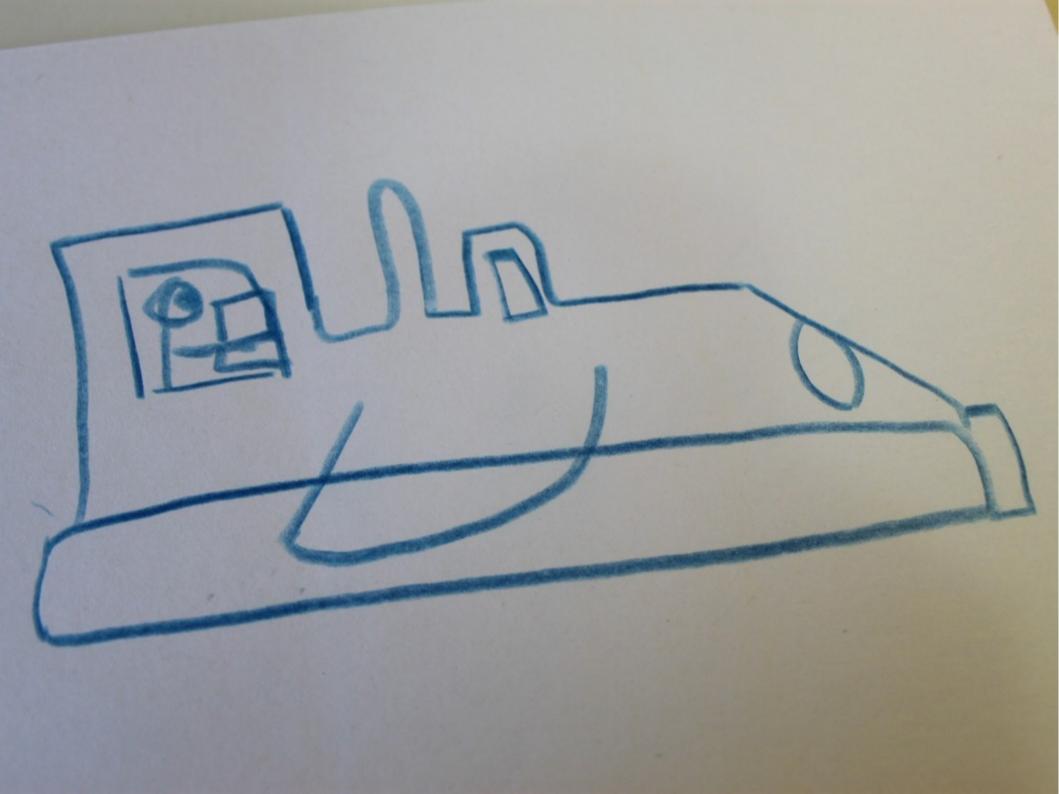
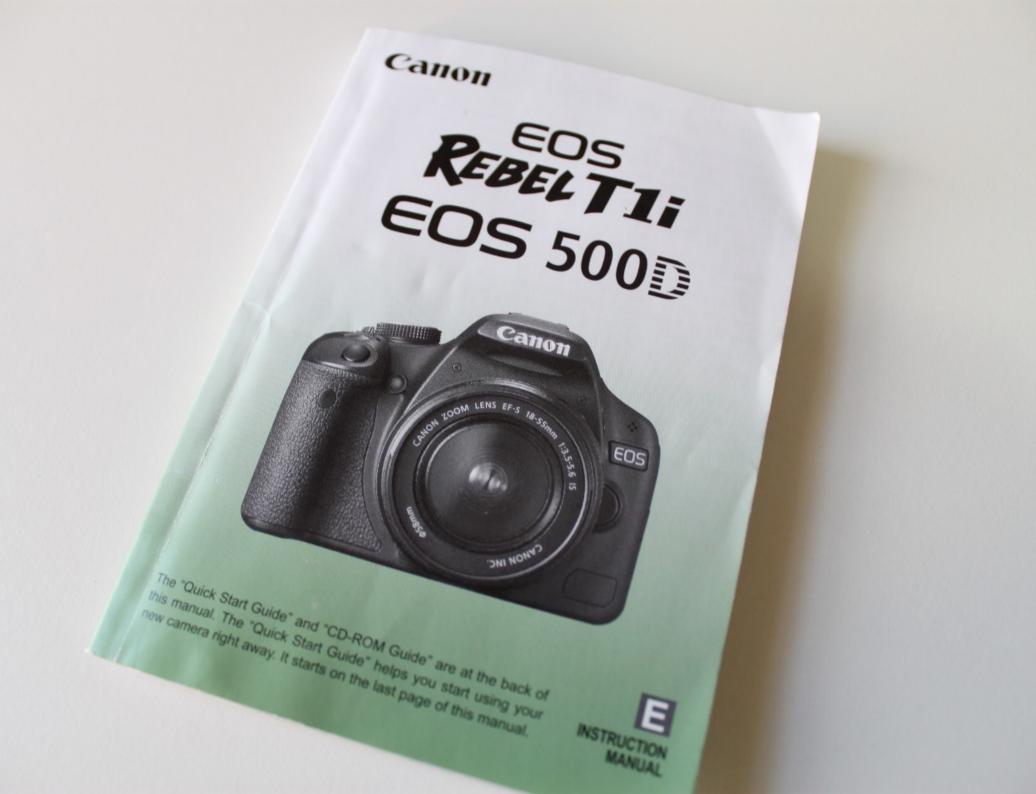


Ending Software Patents in Australia

Ben Sturmfels ben@sturm.com.au @stumbles (Identi.ca)





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Patents are for the benefit of society.



What do we want?

Lake Wendouree View Point

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How do we get there?



Our campaign is to *End Software Patents*.

(to exclude computation and information processing from patentable subject matter)

We missed the 2009 Review of Patentable Subject Matter.

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Letter to abolish software patents in Australia (now closed)

Software patents are dangerous and costly to business and the community. Please sign this letter to support abolishing patents on software.

In August, we will collate the signatures and deliver them to <u>Senator Kim Carr</u> (the relevant federal minister).

The Australian government is currently reviewing patents legislation, but there is little action to make them aware of the harm that software patents cause. We have an important opportunity to inform our government.

Your sincerely,

Ben Sturmfels Software Freedom Labs

The letter

Dear Senator Carr,

As a member of the software industry, I urge the Australian government to abolish software patents in the upcoming review of patent legislation.

Congratulations, 1083 signatures collected!

Update 8/9/2010: Thanks to everyone who supported the letter. The letter was printed and delivered to Senator Carr and a response was received.

The letter is now closed as we will be focussing on gathering signatures on a <u>formal petition</u> to the House of Representatives (cannot be electronic).

More about software patents

 <u>Patent Absurdity</u>, video and background on software patents



Thank you for your letter of 11 August 2010 to the Minister for Innovation, Industry, Science and Research, Senator the Hon Kim Carr, and copied to the Parliamentary Secretary for Innovation and Industry, the Hon Richard Marles MP, concerning software patents on behalf of 1000 people in the Australian software industry. The Minister has asked me to respond on his behalf.

The number of signatories to your letter shows that there is significant concern in the industry over this issue. In the letter you state that patents are not necessary in the software industry and that they actively discourage innovation. Under the current law, software must meet the same criteria for patentability as other technologies. To be patentable, software must be new, inventive and meet a 'manner of manufacture' test. This latter test requires that the software provides a practical solution to a technological problem.

Our ambassadors:

- Bill Appelbe
- Dr Anthony Berglas
- Roger Clark
- Paul Gampe
- Dr Les Kitchen
- Rusty Russell
- Dr Andrew Tridgell

We petitioned the government.

To the Honorable the Speaker and members of the House of Representatives

This petition of Australian software industry members draws to the attention of the House the harm to society of patents that restrict computation and information processing.

Such patents actively inhibit, rather than promote innovation. For small to medium-sized software developers, it is neither viable to search patents, nor defend against patent lawsuits. The government's 2009 *Venturous Australia* report found that "in new areas of patenting such as software and business methods, there is strong evidence that existing [patent] arrangements are hampering innovation."

The Australian software industry has a long history of innovating without software patents. This shows that patents are not necessary for innovation. Examples include:

- VET (antivirus, 1989)
- Trumpet Winsock (internet connection, 1993)
- rsync (data synchronisation, 1996)
- netfilter/iptables (firewall, 1998)

Further, due to the rapid evolution of software techniques and the context in which they are used, withholding a technique for 20 years renders it effectively useless to society.

In 2008, the "Advisory Council on Intellectual Property" held a public consultation during their *Review of Patentable Subject Matter*. Microsoft Corporation was the only respondent regarding software. The Australian software industry cannot, therefore, be well-represented in the Review's findings. We were unaware of the public consultation, so could not make a submission.

We therefore ask the House to introduce and pass legislation to exclude computation and information processing activities from patentable subject matter. We therefore ask the House to introduce and pass legislation to exclude computation and information processing activities from patentable subject matter.

Name and signature

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Name	Signature	Email (optional)
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Only original signatures, on one side of a sheet of paper, including the final paragraph of the petition text can be counted. More forms available at http://endsoftpatents.org/australia.

Please post signed pages to Ben Sturmfels, 8/6 Pottery Court, Brunswick, VIC, 3056 by 30 October 2010. Please do not return by fax.



Australian Government

Advisory Council on Intellectual Property

A recent petition to the Minister signed by members of the computer software industry argued that patents are not necessary to encourage innovation in their industry, that the term of a patent (20 years) is too long, and that the cost involved (in avoiding infringing patents, and defending against patent lawsuits) is not viable, particularly for small to medium-sized businesses.

In his submission, **Anthony Berglas** argued that computer software should not be patentable, due to the **adverse effects on innovation** and the intangibility of software. **99**

Innovation patents are harmful too.

How are we doing so far?

What else are we working on?

The End Software Patents Coalition:



You're part of this story.



More information

End Software Patents in Australia campaign endsoftpatents.org/australia

Patent Absurdity documentary patentabsurdity.com

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