Patent law: patentability of computer-implemented inventions

2002/0047(COD) - 10/04/2000 - Document attached to the procedure

This report from the Commission concerns the implementation and effects of Directive 91/250/EEC on the legal protection of computer programs. The present report is substantially based on a study carried out by external consultants and finalised in 1997, together with the Commission's own findings, including comments from interested circles. The overall results show that the objectives of the Directive have been achieved and the effects on the software industry are satisfactory (demonstrated for example by industry growth and decrease in software piracy). On the basis of these results there appears to be no need to amend the Directive. As far as implementation by Member States is concerned, some flaws have become apparent. While not all of these merit attention by the Commission, others may need to be investigated further with a view to possible infringement proceedings. Some specific issues raised by industry (the distribution right and communication to the public, back-up copies, remedies, and technical devices) are also addressed. While the Commission concludes that no amendment of the Directive in these respects is appropriate at present, this is not to rule out the possibility of adjustment at a later stage in the light of other developments. Finally reference is made to related Community initiatives, specifically the patentability of computer software (which would complement the existing copyright protection) and the Green Paper on combating counterfeiting and piracy in the single market, which would be the appropriate context for further action on software piracy. Member States' attention is drawn in particular to the importance of government policies on the use of legal software.