

Patent law: patentability of computer-implemented inventions

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The committee adopted the report by Arlene McCARTHY (PES, UK) broadly approving the proposal, subject to a number of amendments under the first reading of the codecision procedure. While approving the general idea of patentability for computerised inventions, the committee sought to clarify and tighten up the wording of the Commission's proposed directive and at the same time strike a balance between MEPs' sharply differing views. It said that, in order to be patentable, a computerised invention should be one that could have an industrial application. Moreover, it should involve a technologically inventive step. MEPs also argued that a computerised invention should not be regarded as making a technical contribution just because it involves the use of computer technology. In other words, patents must not be allowed for every simple computer program. The Commission was asked to produce a report at a future date on how the new directive had been taken into account by the European Patent Office and also to assess whether the European Patent Convention might have to be revised. Other amendments sought to protect the interests of SMEs, saying the Commission must monitor the impact on these firms of the patentability of computerised inventions.