Patent law: patentability of computer-implemented inventions

2002/0047(COD) - 06/07/2005 - Text adopted by Parliament, 2nd reading

The European Parliament rejected, by 648 votes to 14 with 18 abstentions, the Council’s common position on the software patent directive. Before the vote, rapporteur Michel **ROCARD** (PES, FR) said Parliament was split fifty-fifty on the issue and all political groups decided to reject the text rather than risk a result they could not accept.

The common position, if approved, would have allowed patenting of computer-implemented inventions. This outcome was advocated by big software firms, which argued that patents would encourage research spending and defend European inventions from US competition. On the contrary, the directive was criticised by supporters of "open source" software, mainly smaller companies, who claimed copyright already protects their inventions and were afraid that patenting would raise legal costs.

The rejection of the common position means the end of the legislative procedure and the fall of the directive.

Attention now moves to the proposed directive for a Community patent, currently in discussion in the Council, mentioned by a number of MEPs as the appropriate legislative instrument to address the issue of software patentability.