

Dear MEP,

My name is Ciaran O'Riordan, I am writing regarding the September 24th vote on directive COD/2002/0047 "on the patentability of computer implemented inventions". At the end of August, with help from 24 concerned citizens and companies, I mailed you a letter about the economic and industry problems that would be created if software implementable ideas were to become patentable. A large number of beneficial amendments have been tabled for this directive. I've read through each of them and drawn up a voting list which I hope you'll find useful. The purpose being to clarify the text of the European Patent Convention which lists "programs for computers" among that which "shall not be regarded as inventions"(Article 52).

The most important amendments:

Amendment 45 : *Article 3 (a) (new)*: Member states shall ensure that data processing is not considered to be a field of technology in the sense of patent law, and that innovations in the field of data processing are not considered to be inventions in the sense of patent law.

Amendment 50 : *Article 6a (new)*: Member States shall ensure that, wherever the use of a patented technique is needed for the sole purpose of ensuring conversion between the conventions used in two different data processing systems so as to allow communication and exchange of data content between them, such use is not considered to be a patent infringement.

Amendments 97, 55, 108: *Article 2 (ba) (new)*: "technical field" means an industrial application domain requiring the use of controllable forces of nature to achieve predictable results. "Technical" means "belonging to a technical field". The use of forces of nature to control physical effects beyond the numerical representation of information belongs to a technical domain. The production, handling, processing, distribution and presentation of information do not belong to a technical field, even when technical devices are employed for such purposes.

Amendments 39, 43 : *Article 2 (bb) (new)*: "invention" in the sense of patent law means "solution of a problem by use of controllable forces of nature".

Amendments 46, 83 : *Article 4.4 (d) (new)*: Member States shall ensure that patents on computerised innovations are upheld and enforced only if they were granted according to the rules of Article 52 of the European Patent Convention of 1973, as explained in the European Patent Office's Examination Guidelines of 1978.

Complete voting list:

The following amendments are beneficial to Europe and should be adopted:

3, 7, 15, 20, 29-36, 38, 39, 41-44, 46-51, 54-62, 68-70, 72, 82, 83, 88, 91, 95, 97-104, 107-120.

The following create uncertainty or greatly extend patentability, and should be rejected:

1, 2, 4-6, 8-14, 16-19, 21, 71, 74-76, 84, 86, 96, 105.

Yours sincerely,

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