Software Patents: Other Voices of Opposition

Richard Stallman was one of the first to raise concerns about the patentability of software, but he is by no means alone in opposing software patents. The following are quotations from several leading computer scientists.

Tim Berners-Lee
Creator of the World Wide Web

- "I mention patents in passing, but in fact they are a great stumbling block for Web development. Developers are stalling their efforts in a given direction when they hear rumors that some company may have a patent that may involve the technology."

- "The lure of getting a cut of some fundamental part of the new infrastructure is strong. Some companies (or even individuals) make a living only by making up patents and suing larger companies, making themselves immune to retaliation by not actually making or selling any products at all." [1]

Bruce Schneier and Niels Ferguson
Bruce Schneier is a world-renowned cryptographer, inventor of the Blowfish and Twofish ciphers. Niels Ferguson is a cryptographic engineer and consultant.

- "... patents often mean that we can't use the mathematical tools we need and force us to compromise in ways we don't like. More importantly, we don't believe that patents serve the security community."

- "... if you have been using a cipher for years in your products, and someone else files a patent claim that covers your prior art, *you* have to assume the burden of proof that your use is prior art. The patent holder can just sit back and let you do all the hard work. This is, of course, expensive. It involves patent lawyers, and makes such patents an excellent vehicle for legal blackmail: buy a cheap license, or spend ten times as much on your lawyers."

- "... even if you read a patent and decide, as an expert in your field, that your work is not covered by the patent, the judge might still find that you willfully infringed. You see, you as an expert are not qualified to judge what a patent covers. Only a patent lawyer can do that."

- "An often-heard claim is that patents protect the little inventor against the big company. Humbug. You might find isolated examples of that, but most of the time it works the other way around."

- "In our opinion, the cost of the current patent system for the IT industry far outweighs the advantages."

- "At best, patents are a necessary evil. At worst, they are an entirely legal form of fraud and blackmail." [2]

Vint Cerf
Sometimes referred to as the "father of the Internet", Vint Cerf was one of the principal designers of the TCP/IP protocols, an integral software component of Internet infrastructure.

- "One of the things that is peculiar and interesting about the Internet history is that the TCP-IP protocols were never patented. In fact, they were made available as widely as possible to the public as soon as possible. "

- "The openness of those protocols and their availability was key to their adoption and widespread use. I think if Bob [Kahn] and I had not done that - if we had tried to, in some way, constrain and restrict access to those protocols, some other protocol suite would probably be the one we'd be using today .... The fact that it wasn't patented, I think, was very important." [3]

Donald E. Knuth
Donald Knuth wrote the TeX typesetting system, software which is used to produce more than 90% of all books and journals in mathematics and physics.

- "... I strongly believe that the recent trend to patenting algorithms is of benefit only to a very small number of attorneys and inventors, while it is seriously harmful to the vast majority of people who want to do useful things with computers."

- "When I think of the computer programs I require daily to get my own work done, I cannot help but realize that none of them would exist today if software patents had been prevalent in the 1960s and 1970s. Changing the rules now will have the effect of freezing progress at essentially its current level."

- "The basic algorithmic ideas that people are now rushing to patent are so fundamental, the result threatens to be like what would happen if we allowed authors to have patents on individual words and concepts."

- "If software patents had been commonplace in 1980, I would not have been able to create such a system [TeX], nor would I probably have ever thought of doing it, nor can I imagine anyone else doing so." [4]

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[1] Quotes taken from: *Weaving the Web*, by Tim Berners-Lee with Mark Fischetti, Harper, 1999.
[2] Quotes taken from *Practical Cryptography* by Niels Ferguson and Bruce Schneier, Wiley, 2003.
[3] http://www.oreillynet.com/pub/a/policy/2000/10/23/isoc.html
[4] Quotes taken from a letter from Knuth to the U.S. Patent Office in Sept. 2003.