

Software patents : a threat to innovation



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Software Patents - A Threat to Innovation Patent law in most countries says that algorithms aren't patentable. The problem with software patents is an instance of a more general one: the patent office takes a while to understand new technology. As soon as the patent office understands and confirms the new technology, a faster, economical and modern technology replaces it. The classic example of rapid changes in technology is Microsoft Windows. As soon as people learns and develops one version of Windows; the other comes up in the market. e. g. 16-Bit, Windows95, Windows2000, Windows 2003, Windows XP, Windows Vista and today Windows 7. Each new version makes the previous version and hardware a sort of obsolete. A hypothetical story will help in understanding how serious the software patents pose threat to innovation. On one Sunday morning, there was a huge gathering at a school. The occasion was of a debate event where young students were participants. Each participant came and delivered their lecture and point of views with great enthusiasm. Finally the turn of the last candidate came for delivery of his view points on the debate. His brain turned into curd as he was very nervous. He thought that whatever he had prepared, it was already said, discussed and argued by all the earlier speakers. In his nervousness he hurried to the stage like a deer and got to the deck and said, " Ladies and Gentlemen, I have just been informed that there is a bomb in this room!" before he could continue his speech further, the entire room filled with chaos and within minutes every body were out of the room. Soon the higher police official came in and questioned him. Everybody was shocked when they found out that it was only a quotation from some nobleman's speech which he was about to elaborate. The patent laws not only pose threat to innovation but it also discourages endeavors for new invention like the above

announcement of bomb in the room. Any law suit related to software patent is mostly filed by the person who has patent rights and who feels he is inflicted by financial loss due to violations of his patent rights. We all know how huge and financially strong the Microsoft Corporation is. But if we look at the piracy rate of Windows operating system it will be amazing to note that at many places in the world the rate is more than 90%. Most of the technology enabled work is done in such countries with pirated windows. All these works are exported back to USA and yet no suits are filed for patent in these countries. The reasons for silence from such government are that they understand how expensive it would be to do research if the software is not pirated. Thousands of developers all around the world are busy in constructing codes for delivery of some sort of application or services unique to the suitability and requirement of the customer. Seldom have any of these developers opted for patenting their work in spite of the fact that what they are doing is absolutely unique and new for his customers. In fact many of these developers would hardly know about patent laws. More and more people are now realizing that by the time patent office would grant them any patent, there will be many new development that will pop up in the market simultaneously. Unless the software code is absolutely classified e. g. for use in atomic devices and weaponry, there is very little hope that a person would go to patent office as more and more people have begin to realize that the software patent is a threat to innovation, waste every body's time and it is not implementable by police officers. Big giants like Microsoft, Apple, Oracle and Google keep patent portfolios to wage or defend court battles. " Analysis of Google's patent portfolio suggests it's not strong measured against rivals such as Microsoft, Oracle and Apple. That's not good news as it comes to

inevitable court battles”(Florian Mueller) Works Cited Florian Mueller , . " Is Google too weak in the software patent wars to protect Android?." Technology. guardian. co. uk, 20-JAN-2011. Web. 20 Jul 2011. .