

Enlarged Board of Appeal  
European Patent Office  
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Germany

2009-04-28  
FFII Sweden  
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Written statement in accordance with Art 112(1) concerning case G 3/08

Dear Sirs,

Software is not another technology; it is written, abstract and a matter of freedom of speech for programmers.

Patenting software is prohibiting communication in that it extends to where it is hard to separate commercial from non-commercial patent infringements in publishing. These risks work against the dissemination of innovation.

It is our opinion that many software-related patents have been granted against the spirit and intent of the exclusions. Even the smallest interpretations of computer program as such, as in instructions, now seem to have been circumvented using program claims.

A meaningful interpretation of the exclusion would be that data processing is excluded from contributing to the invention.



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