

Dear Mr Gowers (or the patient soul who reads these)

Some thoughts on IP mostly with reference to software.

I am dubious about "intellectual property" generally. Once an idea is out of your mouth you can no more own it than you can own the air. I suppose music could be regarded as IP but no one is suggesting that it is patentable since it is already well protected by copyright - witness the blitz on file-sharers.

Software should not be patented because it is not a physical thing but a collection of mathematical algorithms, which are essentially abstract. The current moves to patent software that has a "technical effect" are also dubious. Displaying an image on a screen could be regarded as a technical effect - how much do you want to pay for the driver that new flatscreen?

Copyright already protects software developers from the unauthorised copying of their work. Thus copyright rightly prevents developers from copying the code to Microsoft Excel but does not prevent them from writing their own spreadsheet from scratch. This is essential for healthy competition and hence the quality of software.

Software patents, however, would prevent all but the largest and richest organisations from developing applications. This would be harmful in the same way that any monopoly is harmful - monopoly leads to stagnation and inferior products.

The experience of the US shows that "patent farmers" - holding companies that do not even write software but simply obtain patents - can hold organisations to ransom via the threat of lawsuits.

The upshot is that anyone wishing to write and distribute a program must carry out a thorough and expensive patent search before doing so. Such searches are only within the means of large organisations.

Governments and international organisations will face increased costs as well as the average user. Such cost inflation and the domination of an industry by a few cannot be justified and would be harmful to all.

Any benefits of software patents are easily outweighed by the harm to society and business generally.

Thank you for standing so near to my soap box.

Regards, John Walsh