

This response is on behalf of The Learning Machine, a small business in Staffordshire that has won the Midland Small Business of the Year Award and a DTi Smart Award.

We are developing resources and ICT certification with a view to international expansion. We will make all our resources available using open source and creative commons licenses because our service model is strong enough to make the business competitively viable. From our point of view patenting the business methods, which in principle would be possible, is an expensive waste of time given that if a large predatory company decided to challenge the patent we would not be able to afford to defend it. Software patents in general are unnecessary as copyright is sufficient to protect digital software resources and any advantage gained through patents is more than out-weighed by the disadvantages. eg the use of frivolous patents to threaten small business or to spread fear about new technologies and methods. The threat of SCO to sue Linux users is a prime example. Far from promoting innovation this type of behaviour stifles it.

With an Open Internet and many resources available it is difficult to know what resources are and are not subject to copyright and what license is available. There should be a national database of copyright material with all copyright owners required to renew their copyright conditions on an annual basis. If they do not renew their copyright then the work should be free to be used. The onus should be on the copyright owner to keep claim over their work if it is valuable to them. In this way a lot of material would become freely usable by default but owners of copyright that is genuinely useful to them would keep their rights. All that would be needed is a copyright registration number that would be distributed with the C for copyright on each work. The copy right owner could maintain their own entries through a pass-worded web interface so there would be virtually no cost in administration.

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Ian Lynch