

Hello

I think it is very important that the government stands up to large software/media companies with regard to the issues of IP and DRM.

Taking IP first, it is a vague notion, and this vagueness is exploited by companies who wish to use it for profit. A piece of software has an author/s. These people can enforce copyright as the author/s of the software. But for them (or the company they work for) to try and patent their software is another matter. It is an abuse of the idea of patents - the development of software is quite different to the development of drugs or the design of objects.

Software development relies on open access to other people's ideas (standing on the shoulders of giants, as Newton put it). If software becomes patented, then this will seriously limit the access that people will have to ideas. This in turn will reduce the quality of software available to the public, which is not something that the government would want to be responsible for.

A more practical objection to software patents is the money involved. It would cost several times my annual income to take out a patent. This effectively prohibits me from patenting any software I produce. Patenting can not be described as a means to level the playing field (protecting the rights of small developers against the might of large companies), when so many people can't afford to take out patents. Plus, if software patents were enforced, I would need to employ a lawyer to ensure that I do not infringe anyone else's patents. Again, this is something I can't afford to do. Similarly, I can't afford to pay for the software I use. The software I use is free, and it is free because no one is paying lawyers' fees. And the software I produce is free for others, because I don't need to hire a lawyer each time I write a program.

Also, software patents are inherently fuzzy - it will be far too easy for a lawyer to argue that some product infringes some patent. In the US (where software patenting does happen), some ridiculous patents have been granted. However knowledgeable the people who work in the patent office are, some bad patents will always be granted.

DRM is simply a way for media companies to limit the rights of consumers. I don't think it is possible to believe the spin put on DRM by media companies - that they are protecting the rights of the owners of the media in a digital world. If this were the case, why do they lie so much? Home taping did not kill music. People who download music the most are also the people who buy the most CDs. Every time a new format is developed (vinyl, tape, CD, download), the cost of production/release goes down, yet the price the consumer pays (and the amount given to the artist) stays pretty much the same.

DRM is a way to limit the rights of media consumers. Currently, if I buy a CD then it is mine. I can put a copy of the songs on my MP3 player, make a tape for the car, give it to a friend or sell it to a second hand shop. I have all these rights because I own the CD. But if I pay for some DRM protected media (for example, download some songs), then I can do none of these things. I have just 'hired' the music for one device. I can't copy it to another device. I can't transfer my ownership to someone else because I don't own anything. Yet I will still have paid the same as for a CD.

DRM doesn't just limit my fair use of music. Media protected with DRM can become unreadable if, say, the company who released the media ceases to exist. How can libraries archive DRM material and expect to still access it in 100 years? Similarly, internet access will often be needed before DRM'ed material can be read. Why should I need an internet connection to watch a film? And why should I be unable to watch a film just because my internet connection is down?

Also, the mechanism for enforcing DRM will entail the collection of a large amount of data. Each time I listen to a song, this will be noted. Don't consumers of media have a right to privacy?

Plus, DRM is a way to combine software and media. The company that owns the media decides which bits of software can play the media. This again involves money and will result in higher costs and less choice for everyone.

I am sorry that I haven't replied to the questions as they were set out. I am not a lawyer and I do not know about patents from the inside. But I do know the effects that software patents and DRM will have on my life. So, I would again ask the government to stand up the software and media companies who are proposing that we allow and enforce software patents and who would like to force DRM on us.

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