

Openforum europe

open, competitive choice for IT users

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I am a founder director of OpenForum Europe, set up four years ago to facilitate open competitive choice for IT users. OFE is supported by IBM, Sun Microsystems, Citigroup and many others. This short intervention only allows me time to make one point which I don't believe has been covered by earlier speakers. Our full comments have previously been submitted. We are particularly concerned about the impact of patents on Open Interoperability and Open Standards.

Open Standards spur innovation by broadening the market and allowing productive competition, spurring the information economy. The strongest testament to this fact is that the most important innovations of our age such as the Internet, email and the World-Wide-Web are all based on open standards.

It is not enough for a vendor to claim Interoperability for their standard -- all parties must be able to use that standard on an equal footing in the marketplace. This can only happen when standards are developed transparently, openly and patent-free.

The success of Open Interoperability and Open Standards, such as OpenDocument Format (ODF), lies in the fact that they are fully open: free for anyone to implement or interface with. For this very reason, patents can be a significant obstacle to their development. When patents hinder the development of Open Standards, they harm us all: innovation is stifled, consumer choice narrowed, and competition reduced. It is essential that Open Standards should not be granted, nor endorsed, unless they are royalty and patent free, or where formal 'non-assert covenants' are clearly and irrevocably in place.

OFE urge the European Commission to agree clear definitions for the terms Open Standards and Open Interoperability, and ensure patents can not be applied in their definition and implementation. In particular that the Commission take steps to ensure that:

- 1) The authorities responsible for establishing, administering and adjudicating patent policy and individual patents establish, as a minimum, clear guidelines which raise the quality of patents granted and adjudicated as well as clearly defining criteria which prevent patents being applied which affect Open Interoperability standards;
- 2) Endorse the current version of the European Interoperability Framework as published by IDABC, and support it through refinement of the current directive on Standards.

We therefore ask the Commission to take into account the crucial importance of Open Standards and Open Interoperability and report on how the European patent authorities would take into practical account these fundamental issues. These are not 'religious' issues but ones which will have a profound effect on the global competitiveness of the European Software Industry.

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