

# FFII (re)Starts advertisement complain against Patents

*LinuxReviews.org*

The long-lasting battle of Freedom versus Copyright is on the brink of a new important battle, this time in the form of EU software patents. Poland and Netherlands are heroes, your support is also needed.

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The adoption of EU Council's "common position" on a software patent directive has been delayed once again. This opens another window of opportunity for the European Parliament to restart the entire process by cancelling the dreadful Council text of 18 May 2004.

Since the political situation in Europe has changed (for example to the positions of Poland and Netherlands) future negotiations with the EU Council would almost certainly lead to a more acceptable result.

Also, if the directive is not referred to the Parliament again but continued in 2nd reading, the European Parliament would have to fix it under extremely difficult conditions. The 2nd reading requires an absolute majority of 367 yes votes, meaning that, in reality, 60-70% of MEPs in the plenary chamber would have to vote yes on each amendment. This complete rewrite, would happen within 3 to 6 months. The failure to adopt critical amendments would result in loopholes allowing software patents. Thus, a meeting of JURI (Legal Affairs Committee) on 2 or 3 February 2005 should be used to give the Parliament the option of demanding a new first reading, (renewed referral) which may be the best way out.

Further information can found at:

<http://kwiki.ffii.org/Juri0501En>

<http://kwiki.ffii.org/RestartGuide0501En>

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Note that there are also persons working on getting a B-Item, see eg on the Netherlands and Danmark in <http://wiki.ffii.org/Swpat>. If you are active at that, please continue doing so. Otherwise, you might better take a stab at someone from JURI; if there are JURI members from your country it is certainly the \*right thing to do. You can just delve into the aforementioned <http://kwiki.ffii.org/RestartGuide0501En> .

Kind regards,

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- <http://kwiki.ffii.org/Juri0501En>
  - <http://kwiki.ffii.org/RestartGuide0501En>
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