

## To the Honorable the Speaker and members of the House of Representatives

This petition of Australian software industry members draws to the attention of the House the harm to society of patents that restrict computation and information processing.

Such patents actively inhibit, rather than promote innovation. For small to medium-sized software developers, it is neither viable to search patents, nor defend against patent lawsuits. The government's 2009 *Venturous Australia* report found that "in new areas of patenting such as software and business methods, there is strong evidence that existing [patent] arrangements are hampering innovation."

The Australian software industry has a long history of innovating without software patents. This shows that patents are not necessary for innovation. Examples include:

- VET (antivirus, 1989)
- Trumpet Winsock (internet connection, 1993)
- rsync (data synchronisation, 1996)
- netfilter/iptables (firewall, 1998)

Further, due to the rapid evolution of software techniques and the context in which they are used, withholding a technique for 20 years renders it effectively useless to society.

In 2008, the "Advisory Council on Intellectual Property" held a public consultation during their *Review of Patentable Subject Matter*. Microsoft Corporation was the only respondent regarding software. The Australian software industry cannot, therefore, be well-represented in the Review's findings. We were unaware of the public consultation, so could not make a submission.

We therefore ask the House to introduce and pass legislation to exclude computation and information processing activities from patentable subject matter.

### Principal petitioner

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*Only original signatures, on one side of a sheet of paper, including the final paragraph of the petition text can be counted. More forms available at <http://endsoftpatents.org/australia>.*

*Please post signed pages to Ben Sturmfels, 8/6 Pottery Court, Brunswick, VIC, 3056 by **30 October 2010**. Please do not return by fax.*

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### Name and signature

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