

Computer programs

- 50 years ago computers were actually called “electric brains”
 - nobody could foresee the phenomenal growth in raw computing power (+)
 - ... and few could see that they would remain so stupid
 - interestingly, computing power has enjoyed patent protection but intelligence has not

Computer programs

- EU study: 80% of all technical information is published only in patent documents
 - a patent is the only place in which sufficient technical information must be published

Computer programs

- Software is said to mimic human thinking
 - thus patenting of software equals patenting of thinking
 - consider the chess duel between Garry Kasparov and IBM's Deep Blue:
 - Deep Blue has 100 million times more computing horsepower
 - Kasparov had to use 100 million times more intelligence
 - result: machines and humans "think" in radically different ways

Computer programs

- Non-patentable inventions are attributed to human intelligence or creativity
 - all inventions require intelligence, otherwise there is no invention
 - when a program runs, it shows no signs of intelligence

Computer programs

- Software evolves so quickly that a 20-year patent term is too long
 - some industries evolve just as rapidly (telecommunications, microbiology)
 - compatibility requirements restrict software evolution
 - Y2K problems are caused by decisions made 40 years ago

Computer programs

- Writing software is "in the fine arts", not "in the technical arts"
 - in 1994 US universities were not allowed to offer courses in "software engineering", because software cannot be engineered
 - the industry is in a state of disgrace:
 - market leader has dozens or hundreds of definite bugs
 - Office 2000 can only be installed by clicking "a total disclaimer"

Computer programs

- a user cannot even report bugs without buying a support package
- usually, the only option is a costly upgrade (with new bugs)
- Software may evolve too rapidly?
 - ideas cannot be copyrighted, new features are copied within months
 - what matters is the quantity of features, not the quality of them

Computer programs

- If software was patented regularly, patent proprietors would not have to rush unfinished products to the market