
Europe Shareware software patents newsletter #14
14th March 2004

Webpage: <<http://www.europe-shareware.org/pages/brevets/brevets.fr.html>>
PDF :
<<http://www.europe-shareware.org/pages/brevets/newsletter14.us.pdf>>
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Polish translation by FFII Poland (Tomasz Marciniak) :
<<http://www.ffii.org.pl/newsletter/>>

SPIS TREŚCI:

1. "Kompromis" w Radzie Unii Europejskiej w sprawie dyrektywy dotyczącej patentów na oprogramowanie
2. Europejscy twórcy oprogramowania przeciwko patentom na oprogramowanie
3. Wywiad z szefem Urzędu Patentowego Wielkiej Brytanii w sprawie nowego projektu ustawy dotyczącej patentów
4. Własność intelektualna i sprawa antytrustowa Microsoftu
5. Najnowsze wieści w sprawie Eolas
6. Nowe problemy dla twórców przeglądarek
7. Dokumenty Microsoftu dotyczące patentu na wirtualne pulpity
8. Wykorzystanie skryptów XML opatentowane przez Microsoft
9. Patent na internetowy automat szukający (search bot)
10. Patent na program do kopiowania DVD
11. 'Autoodtwarzanie' opatentowane
12. Niewielkie uaktualnienia oprogramowania opatentowane
13. Australia : patent na e-zdrowie
14. Amazon pozwane za naruszenie patentów na "koszyk na zakupy"
15. TiVo wygrywa sprawę patentu na 'pauzę'
16. SightSound zawiera ugodę z CDNow

17. Acacia udziela licencji Disneyowi
18. Polityka patentowa Microsoftu
19. Licencja na Windows narusza prawa własności intelektualnej wytwórców PC
20. USA : wzrost opłat patentowych
21. Indie: patenty na oprogramowanie = więcej sporów patentowych
22. Czy Republika Południowej Afryki pójdzie za przykładem Unii Europejskiej ?
23. Australia gotowa na kryzys związany z patentami na oprogramowanie
24. Australia i patenty na metody prowadzenia działalności gospodarczej
25. Błędne myślenie o patentach
26. System patentowy jest zbyt kosztowny
27. Arundel : patenty na oprogramowanie hamują innowacje

1. "Kompromis" w Radzie Unii Europejskiej w sprawie dyrektywy dotyczącej patentów na oprogramowanie

"Proposal for a Directive of the European Parliament and of the Council on the patentability of computer-implemented inventions

- Presidency compromise proposal"

<<http://register.consilium.eu.int/pdf/en/04/st05/st05570.en04.pdf>>

(Dokument w języku francuskim : <<http://register.consilium.eu.int/pdf/fr/04/st05/st05570.fr04.pdf>>)

Rada Unii Europejskiej udostępniła swoje stanowisko w sprawie dotyczącej patentów na oprogramowanie. Wydaje się, że Rada UE, wbrew ekonomistom i europejskim firmom programistycznym, poprze stanowisko Europejskiego Urzędu Patentowego i nie zechce wprowadzić jasnych granic w możliwości patentowania algorytmów i metod prowadzenia działalności gospodarczej.

Główne poprawki Parlamentu Europejskiego są odrzucane uzmysławiając, że demokratyczna debata w sprawie tej dyrektywy nie jest brana pod uwagę.

"EU-Rat macht sich für grenzenlose Softwarepatente stark"
<<http://www.heise.de/newsticker/meldung/44917>>

"EU Council "Compromise" for Unlimited Patentability "
<<http://swpat.ffii.org/news/04/cons0129/>>

Kilka cytatów :

« In contrast to the European Parliament's version, the Council version allows unlimited patentability and patent enforcability. Under the Council version, "computer-implemented" algorithms and business methods, as have been granted in large numbers by the European Patent Office against the letter and spirit of the written law, are by default patentable inventions. »

« Publication of a description of a patented idea on a web server in formal language constitutes a patent infringement, and use of patented protocols and file formats for the purpose of interoperation is not allowed. »

« Freedom of publication is removed from Art 5, instead information goods become directly claimable, so that internet service providers can be sued for allowing publication of independently developed programs on their server. »

« Art 6a (freedom of interoperation) is removed. This way Microsoft receives green light for its new licensing program on file formats, and large software and telecommunication companies can charge fees for the use of the next generation of Internet standards. »

2. Europejscy twórcy oprogramowania przeciwko patentom na oprogramowanie

"FOSDEM: Entwicklergemeinde gegen Patente"
<<http://www.heise.de/newsticker/meldung/44892>>

Podczas czwartego Europejskiego spotkania twórców Wolnego i Otwartego Oprogramowania (FOSDEM) w Brukseli dyskutowano na temat patentów na formaty plików.

Kilka cytatów :

- « "Programmiert wiederverwertbare Komponenten, haltet die Daten offen, beugt euch keinem patentierten proprietären Datenformat und sorgt vor allem für Überraschungen und clevere Ideen", gab O'Reilly den Entwicklern mit auf den Weg. »
- « Die KDE-Entwickler überließen ihren Raum einer Debatte über Software-Patente, die kontrovers geführt wurde. »
- « "Was mit den Patenten passiert, ist eine politische Frage, eine Machtfrage, eine Frage der Lobbyarbeit der großen Konzerne hier in Brüssel. Sie spielen gekonnt mit dem Angst-Szenario, dass Europa hinter Amerika und Japan zurückfällt, wenn es seine Software nicht patentiert", erklärte ein Teilnehmer. »

3. Wywiad z szefem Urzędu Patentowego Wielkiej Brytanii w sprawie nowego projektu ustawy dotyczącej patentów

"Hopes Rise of EU Patent Breakthrough"

<<http://www.latimes.com/business/la-ft-patents1mar01,1,363357.story?coll=la-headlines-business>>

Ron Marchant, szef Urzędu Patentowego Wielkiej Brytanii, przedstawia swój punkt widzenia na dyrektywę dotyczącą patentów na oprogramowanie i na projekt brytyjskiej ustawy patentowej.

Kilka cytatów :

- « "I wouldn't be surprised if it came back as a new directive under the next Parliament," Marchant said. "There isn't much enthusiasm in Europe for extending software patenting to software per se or

to business methods." »

« In Britain, the Patent Office chief acknowledges repeated criticisms that smaller companies often are deterred from enforcing, or even seeking, intellectual property protection because of prohibitively expensive litigation costs. »

« [about the UK patent bill] "They are not going to stop someone who says, 'We've got deeper pockets; we can take the other side as far as we need to break them,' " [says Noel Akers, partner at Howrey Simon Arnold & White in London]. "It really doesn't take much to drive one of these smaller companies out of the arena altogether." »

4. Własność intelektualna i sprawa antytrustowa Microsoftu

"Microsoft to choose EU antitrust remedies-source"

<<http://www.forbes.com/newswire/2004/02/24/rtr1273035.html>>

Kilka cytatów :

« The European Commission is set to allow Microsoft to choose how to solve EU competition concerns to avoid breaching the software giant's intellectual property (IP) rights [...] »

« But the EU executive fears the Court of First Instance, which rules on EU cases, may suspend any remedy against Microsoft if it suspects there is a breach of intellectual property rights. "In order not to touch on IP rights the Commission would delegate the remedies to Microsoft," the source told Reuters. »

« According to a report in the Financial Times the EU's Internal Market Commissioner Frits Bolkestein intervened in the debate to raise the IP rights issue and make sure a final decision on Microsoft

was not too harsh. »

"Bolkestein acts over Microsoft 'remedies'"

<[http://search.ft.com/search/article.html?](http://search.ft.com/search/article.html?id=040224001007&query=bolkestein&vsc_appld=totalSearch&state=Form#)

[id=040224001007&query=bolkestein&vsc_appld=totalSearch&state=Form#>](http://search.ft.com/search/article.html?id=040224001007&query=bolkestein&vsc_appld=totalSearch&state=Form#)

Kilka cytatów :

« Mr Bolkestein's officials had been worried that the Commission's proposed "remedies" in the case might infringe Microsoft's intellectual property rights by forcing it to share too much of its programming code with rivals. »

"EU-Handelskommissar Lamy steigt für Microsoft in den Ring"

<<http://www.heise.de/newsticker/meldung/45014>>

Komisarz Handlu, Pascal Lamy, również popiera pogląd, że własność intelektualna Microsoftu nie powinna doznać uszczerbku w związku z Unijną sprawą antytrustową. Twierdzi, że w przeciwnym wypadku byłoby to niezgodne z porozumieniem TRIPS (częścią WTO).

Kilka cytatów :

« Wie die Wirtschaftszeitung unter Berufung auf Kommissionskreise berichtet, warnte Lamy seinen italienischen Kollegen vor Maßnahmen, die eine WTO-Vereinbarung zum internationalen Schutz des geistigen Eigentums (Trips-Vereinbarung) verletzen könnten. »

5. Najnowsze wieści w sprawie Eolas

[z historią sprawy Eolas możesz zapoznać się czytając :

<<http://www.europe-shareware.org/pages/brevets/newsletter7.us.html>>

<<http://www.europe-shareware.org/pages/brevets/newsletter9.us.html>>

<<http://www.europe-shareware.org/pages/brevets/newsletter10.us.html>>

<<http://www.europe-shareware.org/pages/brevets/newsletter11.us.html>>

<<http://www.europe-shareware.org/pages/brevets/newsletter12.us.html>>

<<http://www.europe-shareware.org/pages/brevets/newsletter13.us.html>>]

"Feds reject Eolas browser patent"

<<http://zdnet.com.com/2100-1104-5171073.html>>

Urząd patentowy USA, po protestach z strony World Wide Web Consortium i firm programistycznych, unieważnił przyznany 6 lat temu patent firmy Eolas na 'pluginy'.

Kilka cytatów :

« The U.S. Patent and Trademark Office has invalidated a claim to Web browser technology central to a case against Microsoft, a move that could spare the software giant from paying more than half a billion dollars in damages [...] »

« Martin Lueck, the lawyer who represented Eolas, said it was not uncommon for the patent office to invalidate a claim as the first step of a review process, but said he was confident that the patent office would ultimately uphold Eolas' claim on the Web technology. »

"Patent central to Microsoft case invalidated"

<http://biz.yahoo.com/rc/040305/tech_microsoft_patent_1.html>

"US-Patentbehörde hebt Eolas-Patent vorläufig auf"

<<http://www.heise.de/newsticker/meldung/45297>>

"Examiners Say Chicago Inventor's Patent Never Should Have Been Issued"

<<http://www.miami.com/mld/miamiherald/business/national/8121511.htm?template=contentModules/printstory.jsp>>

6. Nowe problemy dla twórców przeglądarek

"Missiontrek's Patent Rights Cannot be Ignored"

<<http://www.prweb.com/releases/2004/2/prweb104029.php>>

Kilka cytatów :

« Attention Opera and Microsoft: online collaboration innovator, Missiontrek Ltd. Co. has amassed patent rights in key browser technologies throughout the World, and thus, is a force to be reckoned with. From Snippets to Keyword scrolling, they've reserved valuable rights, says Missiontrek's founder, a US Patent Attorney. »

« Missiontrek Ltd. Co., a pioneer in Online Collaboration technology and patent rights holder for such technologies as project-based keyword highlighting and scrolling, web snippets saved to categories, project-based browsing (automatically saving URL research summaries in a project file), a method of creating URL tours, and intranet communications using customizable banners, recently announced that it has spun off and licensed its innovative ResearchAgent technology. »

« Concerning Norway's Opera Software and their recent addition of Snippets to their popular browser, Mr. Moetteli [director at Missiontrek] said "We will definitely assert our rights against any infringer when such rights mature." "To the extent that our patent rights permit us to do so, Opera will either be forced to license our technology, or they will simply not be permitted to sell infringing products in key markets such as the UK, the US, Canada and Australia, among others." »

7. Dokumenty Microsoftu dotyczące patentu na wirtualne pulpity

Wniosek patentowy : 20030189597

"Virtual desktop manager"

<

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&s1=%22%2320030189597%22&OS=%22#20030189597"&RS="#20030189597">

Wirtualny zarządca pulpitu opisany w tym zgłoszeniu patentowym jest

dokładnie tym co jeden z europejskich programów typu shareware (TWSM/2 by Thomas Künneth) robi od lat 90-tych.

<[http://europeshareware.free.fr/scripts/visu2.php?](http://europeshareware.free.fr/scripts/visu2.php?logiciel=60&url=0&Langue=n_a&type_lo=&editeur=3&begin=2)

logiciel=60&url=0&Langue=n_a&type_lo=&editeur=3&begin=2>

W skrócie :

« A method for a user to preview multiple virtual desktops in a graphical user interface is described. The method comprises receiving an indication from a user to preview the multiple virtual desktops and displaying multiple panes on the display. Each pane contains a scaled virtual desktop having dimensions that are proportionally less than the dimensions of a corresponding full-size virtual desktop. Each scaled virtual desktop displays with one or more scaled application windows as shadows if the corresponding full-size virtual desktop has one or more corresponding application windows that are active. »

8. Wykorzystanie skryptów XML opatentowane przez Microsoft

Patent : US 6,687,897

"XML based script automation"

<[http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&u=/](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&u=/netahtml/search-adv.htm&r=9&p=1&f=G&l=50&d=ptxt&S1=Microsoft.ASNM.&OS=AN/Microsoft&RS=AN/Microsoft)

netahtml/search-adv.htm&r=9&p=1&f=G&l=50&d=ptxt&S1=Microsoft.ASNM.&OS=AN/Microsoft&RS=AN/Microsoft>

W skrócie :

« Systems, methods and data structures for encompassing scripts written in one or more scripting languages in a single file. The scripts of a computer system are organized into a single file using Extensible Language Markup (XML). Each script is delimited by a file element and the script's instructions are delimited by a code element within each file element.

Other information, such as a name of the script and a functional description of the script may also be included in the file using other XML elements to delimit that information. The language in which a particular script is written is also included within the XML format. When a particular script is executed, the file is parsed to create a list of the script names or of the functional descriptions of the scripts. One or more scripts are selected and the code for those scripts is extracted from the file and executed by the appropriate scripting process. The scripting process that executes a particular script is identified from the scripting extension attribute that is included in the XML format of the file. »

9. Patent na internetowy automat szukający (search bot)

Patent : US 6,029,175

"Automatic retrieval of changed files by a network software agent"

<[http://patft.uspto.gov/netacgi/nph-Parser?](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=6,029,175.WKU.&OS=PN/6,029,175&RS=PN/6,029,175)

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srchnum.htm&r=1&f=G&l=50&s1=6,029,175.WKU.&OS=PN/6,029,175&RS=PN/6,029,175>

"Teknowledge streitet mit Microsoft um Patent"

<<http://www.heise.de/newsticker/meldung/44405>>

Kalifornijska firma, Teknowledge, posiada patent na badanie sieci przy pomocy programowych agentów. Twierdzi ona, że Microsoft, Akamai Technologies, Inktomi and Cable & Wireles naruszają ten patent. Microsoft kontratakuje kolejnym procesem dotyczącym dwóch patentów.

kilka cytatów :

« Diese von Teknowledge patentierte Technik bietet Funktionen zur agentenbasierten Benachrichtigung bei aktualisierten Webseiten und Software. »

"Web giants fight patent infringement claims"

<<http://www.computerweekly.com/articles/article.asp?liArticleID=128165&liFlavourID=1&sp=1>>

Kilka cytatów :

« Teknowledge charges that online alert services offered by Microsoft, Yahoo and AOL, as well as caching services offered by Akamai, C&W and Inktomi, infringe on a US patent 6,029,175 awarded to it in February 2002 and covers "automatic retrieval of changed files by a network software agent". »

« Microsoft filed a counterclaim earlier this week accusing Teknowledge of violating two of its own patents, one related to electronic bill payment and the other to information aggregation. »

10. Patent na program do kopiowania DVD

"Neue Klage gegen Softwarefirma 321 Studios wegen DVD-Patenten"
<<http://www.heise.de/newsticker/meldung/44662>>

Stowarzyszenie Kontroli Kopiowania DVD (The DVD Copy Control Association) podało do sądu firmę 321 Studios Inc. zarzucając jej naruszenie jednego z patentów należących do stowarzyszenia. Proces zmierza do zakazania oprogramowania do kopiowania DVD.

Kilka cytatów :

« Damit hat der Verband seine Strategie geändert und verklagt nun ein Unternehmen, statt einzelne Personen, wie den Programmierer Andrew Brunner. Die DVD CCA hatte gegen ihn eine Klage angestrengt, weil er Code veröffentlicht haben soll, mit dem der Kopierschutz CSS geknackt werden könne. »

« Die erneute Klage richtet sich gegen die Produkte DVD Copy Plus und DVD X Copy. Mit ihnen lassen sich Kopien von kopiergeschützten DVDs anfertigen. »

"DVD firm sued by trade group"

<<http://www.contracostatimes.com/mld/cctimes/7954256.htm?template=contentModules/printstory.jsp>>

"Victoire des studios de cinéma contre un éditeur de logiciel"

<<http://fr.news.yahoo.com/040221/85/3nohb.html>>

11. 'Autoodtwarzanie' opatentowane.

Patenty : US 5,597,307

US 5,795,156

US 6,249,863

US 6,418,532

"Method for starting up a process automatically on insertion of a storage media into a host device"

<[http://patft.uspto.gov/netacgi/nph-Parser?](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=5,597,307.WKU.&OS=PN/5,597,307&RS=PN/5,597,307)

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srchnum.htm&r=1&f=G&l=50&s1=5,597,307.WKU.&OS=PN/5,597,307&RS=PN/5,597,307>

"Host device equipped with means for starting a process in response to detecting insertion of a storage media"

<[http://patft.uspto.gov/netacgi/nph-Parser?](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=5,795,156.WKU.&OS=PN/5,795,156&RS=PN/5,795,156)

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"Host device equipped with means for starting a process in response to detecting insertion of a storage media"

<[http://patft.uspto.gov/netacgi/nph-Parser?](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=6,249,863.WKU.&OS=PN/6,249,863&RS=PN/6,249,863)

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srchnum.htm&r=1&f=G&l=50&s1=6,249,863.WKU.&OS=PN/6,249,863&RS=PN/6,249,863>

"Host device equipped with means for starting a process in response to detecting insertion of a storage media"

<[http://patft.uspto.gov/netacgi/nph-Parser?](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=6,418,532.WKU.&OS=PN/6,418,532&RS=PN/6,418,532)

Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/

srchnum.htm&r=1&f=G&l=50&s1=6,418,532.WKU.&OS=PN/6,418,532&RS=PN/6,418,532>

"Microsoft may face trial over 'autoplay' feature
TVI charges Microsoft infringes on four of its U.S. patents"
<http://www.infoworld.com/article/04/02/10/HNmsautoplay_1.html>

Kilka cytatów :

« Microsoft Corp. faces a trial in a patent infringement suit over the "autoplay" feature in Windows that automatically starts an application after storage media is loaded into a PC. »

« Little-known TV Interactive Data Corp. (TVI) of Los Gatos, California, sued Microsoft in May 2002, seeking damages and an injunction barring Microsoft from further infringement. »

« Additionally, TVI charges that Microsoft patent 6,366,966, entitled "method and system for automatically running a program" interferes with the TVI patents as it covers a TVI invention, according to case records filed with the U.S. District Court for the Northern District of California. »

"Microsoft wegen Autoplay der Patentverletzung beschuldigt"
<<http://www.heise.de/newsticker/meldung/44494>>

12. Niewielkie uaktualnienia oprogramowania opatentowane

Patent : US 6,546,552

"Difference extraction between two versions of data-tables containing intra-references"

<<http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=6546552.WKU.&OS=PN/6546552&RS=PN/6546552>>

"Red Bend Software gets patent for compact software updates"

<http://www.masshightech.com/displayarticledetail.asp?Art_ID=64802>

Urząd Patentowy USA przyznał bostońskiej firmie Red Bend Software patent na metodę generowania różnicy niewielkich rozmiarów pomiędzy starym i nowym programem.

13. Australia : patent na e-zdrowie

"Patent threatens e-health scheme"

<<http://www.theaustralian.news.com.au/printpage/0,5942,8565263,00.html>>

Kilka cytatów :

« THE future of MediConnect is in doubt as advisers warn that the Pharmacy Guild of Australia may own key aspects of the Federal Government's electronic system giving pharmacists direct access to people's medication records and entitlements. »

« In March 2002, the guild lodged an international patent application for a "Method and system for sharing personal health data" »

« "(But) if the patent is legally justifiable ... there is the possibility that the patent holders will have a claim over future versions of MediConnect and other health systems." [says Coolong Consulting's report] »

14. Amazon pozwane za naruszenie patentów na "koszyk na zakupy"

Patent : US 5,708,780

US 5,715,314

US 5,909,492

"Internet server access control and monitoring systems"

<[http://patft.uspto.gov/netacgi/nph-Parser?](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahhtml/)

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srchnum.htm&r=1&f=G&l=50&s1=5,708,780.WKU.&OS=PN/5,708,780&RS=PN/5,708,780>

"Network sales system"

<[http://patft.uspto.gov/netacgi/nph-Parser?](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=5,715,314.WKU.&OS=PN/5,715,314&RS=PN/5,715,314)

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srchnum.htm&r=1&f=G&l=50&s1=5,909,492.WKU.&OS=PN/5,909,492&RS=PN/5,909,492>

"Amazon's 10-K SEC filing"

<<http://www.sec.gov/Archives/edgar/data/1018724/000119312504029488/0001193125-04-029488-index.htm>>

"Amazon poursuivi par de vieux brevets embarrassants"

<<http://fr.news.yahoo.com/040301/7/3o6th.html>>

Soverain Software, posiadacz patentów na "koszyk na zakupy", pozywa Amazon.

Kilka cytatów :

« Le cybermarchand américain est attaqué pour

violation de brevets relatifs aux systèmes de vente en ligne, dits «brevets sur les paniers d'achat». Déposés en 1998 par Open Market, ils sont détenus aujourd'hui par un éditeur qui lui réclame des royalties. »

« Amazon a annoncé être poursuivi par Soverain sur le brevet numéro US 5.708.780 (enregistré au PTO) concernant les systèmes de surveillance et de contrôle d'accès aux serveurs internet. Ce brevet est également connu sous l'appellation «brevet d'identification de session». Il permet non seulement aux détaillants électroniques d'analyser la manière dont les utilisateurs surfent sur un site, mais également de limiter l'accès à un contenu spécifique, notamment des abonnements ou des informations sur des comptes. Ce brevet ne s'applique pas aux cookies, mais il pourrait concerner d'autres méthodes de traçabilité des consommateurs, dont les certificats numériques. »

« Le cybermarchand américain doit également

affronter une action en justice portant sur les brevets 5.909.492 et 5.715.314, relatifs aux systèmes de ventes en réseau. Ils visent les processus permettant aux acheteurs d'accumuler des articles avant de régler leur facture sur une boutique en ligne; la façon dont les données d'achat et de règlement sont transmises via une URL; et l'utilisation de bons numériques de promotion pour effectuer des achats sur le web, transmises via messagerie électronique, cédérom ou encore par téléachat. »

15. TiVo wygrywa sprawę patentu na 'pauzę'

Patent : US RE36,801

"Time delayed digital video system using concurrent recording and playback"

<<http://164.195.100.11/netacgi/nph-Parser?>

Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/

srchnum.htm&r=1&f=G&l=50&s1=%27RE36801%27.WKU.&OS=PN/RE36801&RS=PN/RE36801>

"TiVo gewinnt Patentstreit gegen Pause Technology"

<<http://www.heise.de/newsticker/meldung/44521>>

TiVo wygrało sprawę, w której Pause Technology zarzuciło jej naruszenie patentu na "pauzę" (możliwość zatrzymania i wznowienia programu telewizyjnego).

16. SightSound zawiera ugodę z CDNow

[więcej informacji o tym procesie w naszym newsletterze numer 11 :

<<http://www.europe-shareware.org/pages/brevets/newsletter11.us.html>>

]

"SightSound einigt sich im Patentstreit mit CDNow"

<<http://www.heise.de/newsticker/meldung/44985>>

CD Now i N2K zgadzają się zapłacić firmie SightSound 3.3 miliony dolarów za ugodę w procesie o naruszenie patentu.

Kilka cytatów :

« Ein Anwalt von SightSound sieht nun den Weg frei, um weitere Lizenzierungsansprüche durchzusetzen. Dabei werde er sich an Firmen der Musik- und auch der Filmindustrie wenden, die Technik des Unternehmens einsetze, um Musik und Filme zum Download anzubieten. Scott Sander, CEO von SightSound, meint, die Unterhaltungsindustrie sei in eine "neue Ära des Respekts vor geistigem Eigentum wie Urheberrechte und Patente" eingetreten. »

17. Acacia udziela licencji Disneyowi

[w newsletterach poniżej znajdziesz artykuły na temat patentu Acacii :

<<http://www.europe-shareware.org/pages/brevets/newsletter9.us.html>>

<<http://www.europe-shareware.org/pages/brevets/newsletter13.us.html>>

]

"Disney licenzuje Streaming-Technik von Acacia"

<<http://www.heise.de/newsticker/meldung/45072>>

Acacia twierdzi, że 116 firm wykupiło licencję na jej patent na ściąganie treści za pomocą środków przekazu.

18. Polityka patentowa Microsoftu

"Microsoft balances patents, standards"

<<http://news.com.com/2100-1013-5152665.html>>

Kilka cytatów :

« In the past month, Microsoft has applied for patents in Europe and elsewhere to cover how XML-based documents are created in the company's dominant Word software. »

« The applications are indicative of a struggle faced by Microsoft and other companies: They want to profit from their research and innovations, yet standards-based technology has to be freely available on some level to encourage broad adoption and ensure interoperability. »

« [...] Microsoft embarks on a new mission to generate more revenue from its intellectual property. »

« "In the past, you could design things in a way that was unique and didn't necessarily need to interact with other products, but interoperability is a key thing customers are looking for now," [...] "You have to figure out how you're going to enable that interoperability, and providing predictable access to your IP is part of that."
[David Kaefer, director of business development for Microsoft] »

« The U.S. Patent and Trademark Office has hundreds of pending applications now for patents on XML-related processes [...] »

19. Licencja na Windows narusza prawa własności intelektualnej wytwórców PC

"Microsoft's Tokyo offices raided"

<<http://news.bbc.co.uk/go/pr/fr/-/2/hi/business/3488186.stm>>

Kilka cytatów :

« Officials from Japan's fair trade watchdog have raided Microsoft's Tokyo offices on suspicion that the US giant violated Japanese anti-monopoly laws. »

« The Fair Trade Commission alleges that Microsoft insists that if the companies - such as NEC, Hitachi and Sony - want to pre-install its Windows software on their computers, they must sign away

their right to sue the US giant, even if they find it has used their patent technology. »

"Japanese Unit of Microsoft Is Raided"

<http://story.news.yahoo.com/news?tmpl=story&u=/ap/20040226/ap_on_bi_ge/japan_microsoft_3>

"Microsoft Raided By Japan's Fair Trade Commission"

<<http://quote.bloomberg.com/apps/news?pid=10000006&sid=aB79rPeUrwh0&refer=home#>>

20. USA : wzrost opłat patentowych

"Patent Fee Bill Will Harm Small Business without Conyers-Kaptur Amendment, Patent Professional Association Says"

<http://biz.yahoo.com/bw/040223/236028_1.html>

Kilka cytatów :

« Many small businesses will be irreparably harmed if Congress adopts the pending U.S. Patent and Trademark Office Fee Modernization Act (H.R. 1561). »

« This bill establishes a new search fee and gives the USPTO the unlimited ability to raise those search fees without congressional approval [...] »

« Under H.R. 1561, small business patent filing fees would double, from about \$375 to \$750. »

21. Indie: patenty na oprogramowanie = więcej sporów patentowych

"India to face more patent litigations"

<<http://economictimes.indiatimes.com/articleshow/478099.cms>>

Kilka cytatów :

« India is likely to see more patent litigations in the coming years as it joins the big league, says Alok Aggarwal, founder and chairman of Evalueserve. This is because very few Indian companies are aware that they can patent software process too – and large global IT companies who see them as a threat are likely to challenge them by filing IP violation cases against them, he pointed out. »

« According to Aggarwal, Indian companies also have to be really vigilant very early in the product development cycle about previous patents filed.

This might mean employing specialists to keep track – else there could be a heavy price to pay: typically about \$3 million per case. Indian companies are now starting to employ people to do tracking. »

22. Czy Republika Południowej Afryki pójdzie za przykładem Unii Europejskiej ?

"SA Software Patents Unprotected"

<<http://allafrica.com/stories/printable/200402240659.html>>

Ten artykuł dotyczy braku możliwości patentowania oprogramowania w Republice Południowej Afryki i debaty w Unii Europejskiej.

Kilka cytatów :

« South African patent law has been largely modelled on the corresponding British legislation, and any noteworthy amendments to patent law as it applies in the EU may potentially influence the development of patent law in SA. »

23. Australia gotowa na kryzys związany z patentami na oprogramowanie

"EFA slams IP clauses in US-Aust trade deal"

<<http://smh.com.au/articles/2004/02/12/1076388479843.html>>

Kilka cytatów :

« [...] "harmonisation" of Australian patent law with the US risked the creation of "software patents" in Australia, EFA said. »

« Such patents had been regularly abused in the US by major software companies who used them to intimidate and suppress competition and innovation. "Litigation over the alleged infringement of "software patents" has become a lucrative business model in the United States, and is a path that Australia would be ill-advised to follow," it said. »

24. Australia i patenty na metody prowadzenia działalności gospodarczej

"Australia to reject Europe's business method patent policy"

<[http://www.legalmediagroup.com/default.asp?](http://www.legalmediagroup.com/default.asp?Page=1&SID=13775&CH=5&CN=Intellectual%20property&CountryName=&Type=News)

Page=1&SID=13775&CH=5&CN=Intellectual%20property&CountryName=&Type=News>

Kilka cytatów :

« Australia is set to ignore calls for a ban on patenting business methods after a leading think tank recommended no change to the present law. »

« The recommendation was made by the Advisory Council on Intellectual Property (ACIP). The Council, an independent body appointed by the government, released its report into patenting business methods last week. »

« The Council said the country should remain in line with Japan, the US and New Zealand, where business methods are patentable, rather than adopt the restrictive practice in jurisdictions administered under the European Patent Convention. »

25. Błędne myślenie o patentach

"The fallacy about patents"

<<http://news.com.com/2010-7343-5153026.html>>

W artykule tym, dotyczącym obecnego szumu wokół patentów, wysoki rangą pracownik IBM (Senior VP Nicholas Donofrio) opisuje dlaczego USA powinny raczej skupić swoją uwagę na tworzeniu innowacji, a nie na liczbie przydzielonych patentów.

26. System patentowy jest zbyt kosztowny

"Patent News From PubPat and IBM"

<<http://www.groklaw.net/article.php?story=20040205045715394>>

Kilka cytatów :

« The Public Patent Foundation today argued before the nation's foremost patent court that patent law's requirement that a patent attorney be hired every time one becomes aware of a patent that may relate to their activity is "irrational and unjustifiably prejudicial" »

« [...] a study from 1997 that determined the cost for retaining a patent attorney to provide a written opinion regarding a single patent can cost up to \$50,000 or more. »

27. Arundel : patenty na oprogramowanie hamują innowacje

W styczniowym wydaniu 'Innovation & Technological Transfer', pisma o wynalazkach wydawanego przez DG Entreprises, Anthony Arundel z MERIT,

Uniwersytet z Maastricht, wyraża pogląd że obecne działania na korzyść patentów mogą spowolnić powstawanie innowacji.

'Le problème des brevets' (page 11 of the French paper version of 'Innovation & Transfert Technologique', from DG Entreprises)

[poniżej oryginalny tekst po francusku]

« La plus grande propension des entreprises

américaines à breveter est largement motivée par une réaction de défense. Aux États-Unis, le coût d'un procès est si élevé qu'il revient beaucoup moins cher de déposer un brevet plutôt que d'avoir à vous défendre contre un concurrent qui vous poursuit pour contrefaçon. Certains éléments semblent indiquer que les brevets de l'OEB sont de meilleure qualité que ceux de l'USPTO, et les frais de justice sont certainement plus bas. Donc, il se peut que les entreprises européennes estiment simplement que les brevets défensifs ne sont pas nécessaires. Dans ce cas, les mesures prises en vue d'augmenter le nombre de demandes de brevet pourraient en fait ralentir l'innovation en contraignant l'industrie à supporter des coûts supplémentaires. »