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## Analysis: Europeans Debate 'Hopelessly Complex' Software Patent System

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As Europeans convened in Brussels Wednesday to debate the future of their almost-hopelessly complex patent system, the raging issue that dominated so much of Europe's intellectual property discussions last year -- software patents -- threatens to overwhelm this year's talks again.

At the center of this year's discussion is a proposal to establish a central European patent court proposed as the European Patent Litigation Agreement (EPLA.) The proposal would at least partially replace the current system whereby 25 different countries and 20 different languages all work to create a complicated system.

At the same time, Florian Mueller, a German software specialist who led an anti-software patents campaign [last year](#), is rallying his troops again against dominant developers with large patent portfolios like Microsoft and Nokia.

"The legal status of software patents in Europe is contradictory," said Mueller in an e-mail as he prepared his Brussels campaign. "While the existing written rules, which go back to the year 1973, disallow patents on computer programs -- the European Patent Office (EPO) and various national patent offices have granted tens of thousands of software patents.

"However, European patents, even if granted by the EPO, can only be enforced country by country as of now, and national courts declare many EPO software patents invalid when their holders try to use them against alleged infringers."

Efforts to solidify the various European nations and their different languages, too, have been unsuccessful and to date there has been no indication a meeting of opposing minds or a consolidation of intellectual property interests will take place.

A key EC player in the patents debate is Commissioner Charlie McCreevy, who wants to improve the patents situation. According to published reports, he said: "Progress in the patent field has to be made. Businessmen, faced with a 21st-century global economy, scratch their heads in disbelief when they see us stuck in discussions about language regimes and regional distribution of courts."

Mueller said he will speak out against the EPLA -- a stance he says will place his "no software patents campaign" on a collision course with Microsoft and Nokia.



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