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To: SoftwareRoundtable2013 **Subject:** software patents

A few quick points.

My understanding is that patents are about ensure the inventor makes a profit on the idea in the end. For example spend lots of money doing research and development, produce a product only to have someone copy it with next to no research and development. The original inventors company goes broke as the competitor sells the product cheaper because they did not have to recover the original R&D costs.

- *Patent Protection should only last long enough for someone to make a reasonable profit.
- *Patent Holders can extend the length of the Patent Protection by providing profit and loss information for the original idea, indicating that they are still recovering their costs.
- *Patent Holders must provide documentation that they have spent effort and money towards making the patent a reality within 3 years or licened the idea and a product is being produced. (a large company would have been expected to spend significant effort) Otherwise the Patent is cancelled. Prevent Patent Holding.
- *Once a company recover it's cost and makes 1000% profit on the original idea the Patent Protection is removed.

We need to stop someone thinging of an idea only for the purpose of selling it once someone has implemented it without knowning their is a patent in the first place. e.g. I have a black box and if you smile at it, it laughs back.

*Movies/TV are valid source of pre-invention. i.e. StarTrek Transport idea can not be patented, a *proven* participial way of doing it can be which cost real money to develop.

*The Patent needs to demonstrate a competitive advantage. i.e. if someone copies the idea, is the idea added to different product enough of a differentiate that they will stop purchasing the product with the original idea. e.g. If I patent the colour red, and two companies produce red phones is the colour the a significant reason for choosing a product.

Patents are not about creating a monopoly, they should be about allowing the original

inventor to make a reasonable profit as most governments have anti-monopoly regulations.