



## QUESTION 132

### **Computer Software, Information Networks, Artificial Intelligence and Integrated Circuits**

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Q132

#### **Question Q132**

### **Computer Software, Information Networks, Artificial Intelligence and Integrated Circuits**

#### **Resolution**

AIPPI has long been recognised by national, European, and international governmental and administrative bodies as a politically neutral, non-profit making organisation whose aim is to improve intellectual property systems on an international and national basis,

AIPPI has existed for more than a century, a period during which patent laws have been introduced and developed in many countries and have adapted to new fields of technology, including computer-implemented inventions, by applying the same basic principles,

#### **AIPPI**

##### **Recognises:**

That patent systems have provided a basic incentive to progress that benefits mankind, that patents provide an effective means for enabling inventors and small and medium sized enterprises to compete with larger entities.

##### **Takes note:**

Of the results of the debates in the European Parliament on the draft directive on the patentability of computer-implemented inventions, including the discussions on interoperability.

##### **Observes:**

That the debates were influenced by an incomplete understanding of patent law and that the resulting proposal is detrimental to the public interest and violates established principles of patent law and international agreements, e.g. TRIPS,

that patent laws provide a balance between the legitimate interest and rights of inventors and those of competitors and the general public, inter alia:

- patents should be granted only for new inventions which achieve a sufficient level of innovation (i.e. inventive step),
- any interested person may challenge the validity of a patent that does not conform to these requirements in order to revoke such patent,
- the rights of the patentee are limited both by patent law and competition law in order to prevent abuse, for example in the case of private use and research exemptions,
- patent systems contribute to the dissemination of information and knowledge through the publication of a clear and complete description of inventions; this means that inventions can be freely examined by competition and the public in general to facilitate further innovation,

that issues of interoperability are adequately addressed by international standardisation proceedings and competition law.

### **Resolves**

#### **to recommend that:**

- the European Commission and Council should not accept the amendments to the Proposal for a Directive on the Patentability of Computer-Implemented Inventions introduced by the European Parliament and the drafting of the Directive should be continued in order to reach a result which properly recognises the legitimate interests of inventors, competitors and the general public in a balanced manner in accordance with conventional IP rules,
- computer-implemented inventions should be eligible for patent protection and should not be treated more restrictively than other inventions,
- patent offices undertake all necessary steps to perform the examination procedure at the highest possible quality level, i.e. to provide for as complete search resources as possible and to apply the patentability criteria as strictly as in other areas of invention.