Post Political Times

The weblog of Richard Allan, sometime elected representative and long-time political blogger.
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Education Dept vs Patent Office

There is an extraordinary battle about to begin in court that has the Department for Education and Skills trying to strike down a patent on wireless pupil registration systems. This was scheduled for February but is now due to begin on March 22nd.

The company holding the patent, Frontline Technology, provides lots of information in their defence. And it has been discussed in internet lists for some time under the subject BromCom patent.

The case does highlight some of the problems with patenting in information technology. Using wireless devices to run a school register may have been innovative when the patent was filed in 1993 but it does not look so original in 2004 when most laptops have good wireless connectivity. We have to question the sense in giving exclusive rights over inventions on the basis of their originality in a field which is so fast moving. The UK Government (or at least part of it) is now challenging this because it fears public funds will be wasted paying license fees on a technology that any supplier could implement easily using current systems.

The outcome of the March court case may well be a landmark in the history of information technology patents.

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2 Responses to “Education Dept vs Patent Office”

1. *Alan* Says:
February 23rd, 2004 at 1:03 pm

Whilst understanding the fear of wasted public funds, is there not also a danger that companies will be discouraged from investing Research and Development money into progressive technologies if they know that their right to protect their ‘discovery’ will not be protected by law?(Especially as you say with certain areas of technology moving so quickly)
With rival companies able to underprice them because they have not had to invest capital in the development process (and therefore do not have to inflate pricing when first released to recoup money spent on ‘discovering’ the product) there will be a reduced incentive to properly fund technologies that will improve not only their product but also, for example, the efficiency with which those products work (with consequences for the environment).
With a radical shift towards share owner emphasis in recent times the need to present bumper dividends have led to many companies (for example the American aero technologies) cutting their research budgets with immediate rewards but long term constraints. And in turn has led to a greater relliability on Government subsidies and tax breaks.
Is there a bigger picture here or have I missed the point? It’s a thought. Perhaps academic as this government has a tendency to win these sorts of battles regardless of the precedent set.

February 23rd, 2004 at 3:04 pm

innovation. The case from campaigners against granting patents widely on software, such as has been happening in the US, is that it is does not promote innovation but stifles it. I tend to this view.

The argument is that patents may be appropriate for areas of work where huge R&D budgets are necessary to come up with new products such as the motor industry or pharmaceuticals but not for software. In software the investment is not needed to produce the ideas in the first place but in writing code that implements those ideas. Therefore copyright of the produced code is a more appropriate mechanism for protecting and rewarding the investment rather than allowing patents on the ideas themselves.

I intend to write a longer piece on this and will try to do so now.

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