

“End Software Patents” Group Formed to End Software Patents

By Luis Ormaechea

On February 28, 2008, the organization “End Software Patents” (ESP) was launched with the stated goal of working to eliminate patents on software and designs with no physically innovative step. According to Ben Klemens, who is the executive director of ESP, “[s]oftware patents endanger both software developers and businesses, ironically stifling the very innovation that the U.S. patent system was intended to foster.” A report released by the organization on its website, <http://endsoftpatents.org/>, indicates that the economic impact of software patents include \$11.2 billion in costs associated with software patent litigation incurred annually by U.S. businesses. Klemens believes that ESP can use the courts to help restore the patent system back to “its original state,” by reinstating restrictions on software patents.

In order to achieve its goal, The ESP project is currently focused on two different approaches. First, the organization plans on providing assistance, including access to legal counsel, for corporations that decide to challenge the patentability of software in U.S. courts and at the U.S. Patent and Trademark Office (USPTO). They hope to prevail using the legal argument that patents for software and designs with no physically innovative step are not legally valid. Moreover, the group plans to educate the public about the issue of software patents, hoping that their message will result in the enactment of laws that will lead to change in patent law relating to software. The targets of the public education campaign will include computer users, software developers, lawyers, and businesses.

ESP receives funding from several sources, including the Free Software Foundation, the Software Freedom Law Center, and the Public Patent Foundation. ESP also accepts private donations.

Sources:

End Software Patents, *What Can I Do?*, <http://endsoftpatents.org/what-can-i-do> (last visited Mar. 15, 2008).

End Software Patents, *Homepage*, <http://endsoftpatents.org/> (last visited Mar. 15, 2008).

End Software Patents, *ESP Launches*, <http://endsoftpatents.org/28-february-2008:esp-launches> (last visited Mar. 15, 2008).