March 30, 2006

Consultation on future patent policy in Europe - Answers to Questionnaire on the patent system in Europe

Dear Mr. Nooteboom,

We gladly took the opportunity to reply to the consultation of stakeholders on the future patent policy in Europe. Attached you will find the answers of Lycos Europe with regard to the Questionnaire On the patent system in Europe.

Let me point out that we follow the development of the European patent system very closely and with great concern since we became active in the legislative process regarding the “Directive for Computer Implemented Inventions” which ultimately failed in the European Parliament in July last year.

Although we deem the patent system to be unfit for the business of Lycos Europe as an Internet Service Provider, it became clear to us that we no longer can ignore this field of intellectual property. We realized that the current development of the patent system in Europe can become a threat to our business. Namely the inflationary granting of (trivial) Software patents throughout Europe and in particular by the European Patent Office is a matter of major concern to us.

Such patents are only waiting for a more efficient way to be enforced against competitors and developers. We fear that by harmonizing the possibilities to enforce patents throughout Europe, these patents will have an even stronger detrimental effect on development, innovation and competition in our industry.

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We therefore strongly support an approach to a future patent policy in Europe, where the substantive rules on patentable subject matter and the inventive step are drafted and harmonized in such a manner as to ensure that trivial software patents are no longer granted.

If a Community patent and a European Patent litigation procedure is established before the substantive rules are being amended in the above mentioned manner, the harmful process of patent inflation will only be intensified and will further discourage development and competition.

Overall, we believe, that a sound policy designed to drastically reduce the number of patents granted, is the single biggest opportunity for Europe to achieve the goals of the Lisbon Agenda and make Europe the most dynamic knowledge-based economy in the world.

Yours sincerely,

Christoph Mohn
Lycos Europe N.V.