Published on *The New Zealand Open Source Society* (http://nzoss.org.nz)

Reaffirmed commitment to Software Patent exclusion

By dave [1] - Posted on October 30th, 2011
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Many members of the NZOSS community are software developers, both professional and hobbyist. Over the past several years, we have watched with increasing horror the absurdity of software patents unfolding in the United States. To many of us, it seems like watching a slow, painful, obscenely costly (but probably non-fatal) train wreck.

Most of us were greatly relieved when the government agreed to exclude software ("computer programs") from patentability in the Patents Bill 235-2 (2008) [7]. This decision followed an extensive Select Committee process in which a number of us made submissions (including a formal NZOSS submission). The Select Committee, led by Labour's Lianne Dalziel, ultimately made a *unanimous recommendion* to the Minister, Simon Power, to exclude software patents, which he accepted. Due to the normal challenges of getting legislation through parliament in a timely manner, the Bill, despite having undergone its second reading, has sat on the back burner and has not yet been passed into law.

We were very pleased to have all the major parties independently re-affirm their commitments to this pending legislation at the recent Netvision 2011 Election Debate [8] put on by our friends at InternetNZ [9] last Tuesday, 18 October. National's Steven Joyce, Labour's Clare Curran, and NZGreen's Gareth Hughes all stated that they and their parties were committed to excluding software from patentability. Joyce stated that, based on the current parliamentary legislation queue, the Bill would be passed early next year. He also publicly quelled any suspicions that the legislation was being held due to the top-secret Trans-Pacific Partnership agreement (TPPA). This was very reassuring.*

If you did not see it, the entire debate [10] is available online. The specific statements regarding software patents can be seen 28:26 into the Part 2 [11] of the video coverage (download Part 2 - video [12] or audio-only [13]).

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* If leaked copies of the draft agreement are to be believed, the US authored "IP" section is onerous, and is was clearly designed by US-based multinational corporations to promote their own interests among US trading partners. If NZ was to sign the TPPA, it would likely place substantial limitations on our sovereignty, particularly our ability to develop independent IP legislation.

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