

Sustainable Patent Reform: The “Make Polluters Pay” Approach


Sustainable Patent Reform: The “Make Polluters Pay” Approach

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FFII e.V.

IP

Property?

A wooden fence with a lattice pattern runs across the middle of the image. A white sign with red and black text is attached to the fence. The background is a misty, wooded area with bare trees and some autumn-colored foliage. The ground in the foreground is covered with fallen brown leaves.

NO
TRESPASSING
VIOLATORS
WILL BE SHOT
SURVIVORS
WILL BE SHOT
AGAIN

A photograph of a wooden fence in a wooded area. The fence is made of horizontal wooden planks with diagonal cross-bracing. A white sign with red text is attached to the fence. The background shows trees with some autumn-colored leaves and a misty or overcast sky. The ground is covered with fallen brown leaves.

NO
TRESPASSING
VIOLATORS
WILL BE SHOT
SURVIVORS
WILL BE SHOT
AGAIN

DRM

IPRED

3 Strikes

ACTA





Intellectual





Pollution

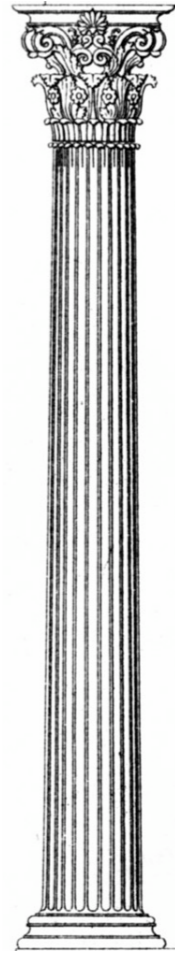
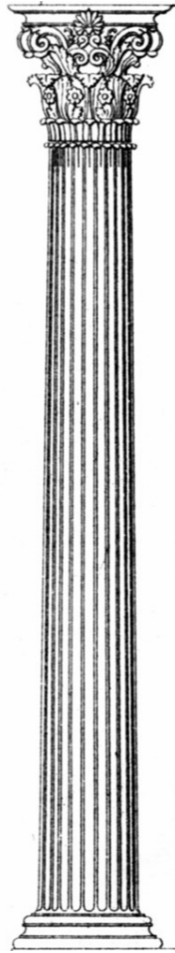
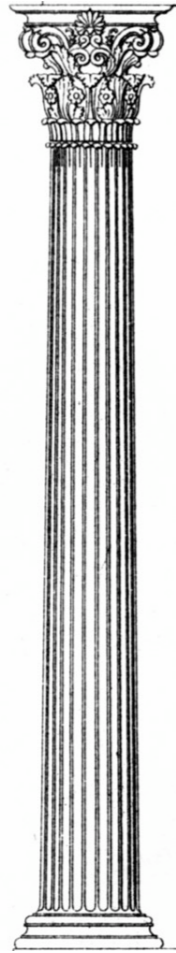


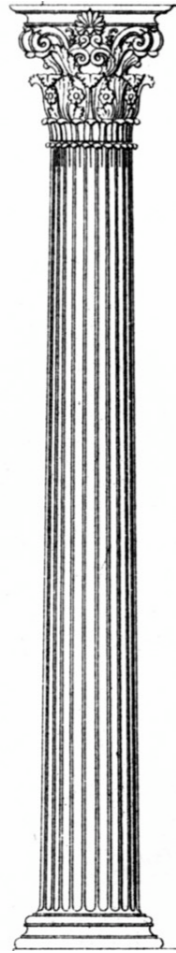
How to achieve...



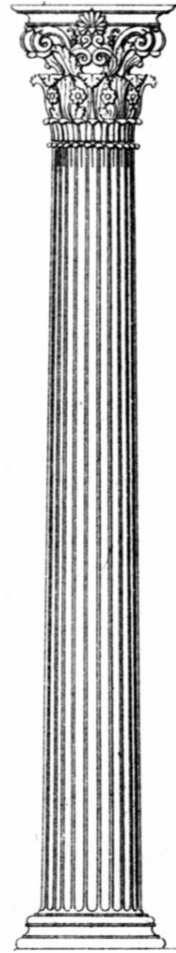
a sustainable Knowledge Ecosphere

Institutions

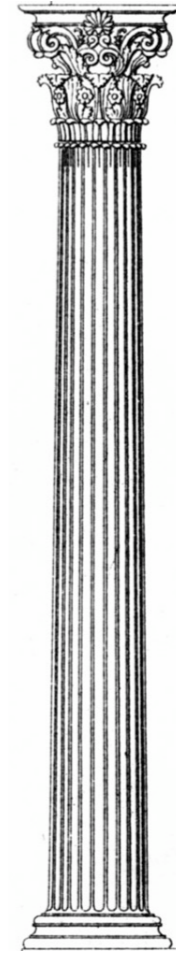




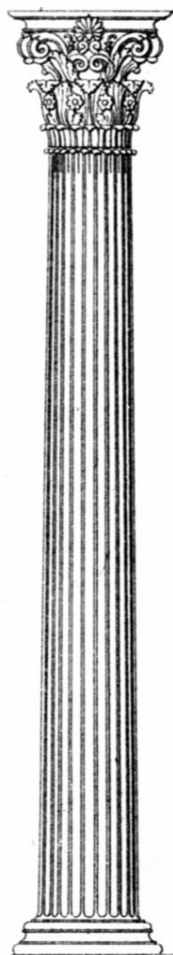
Legislation

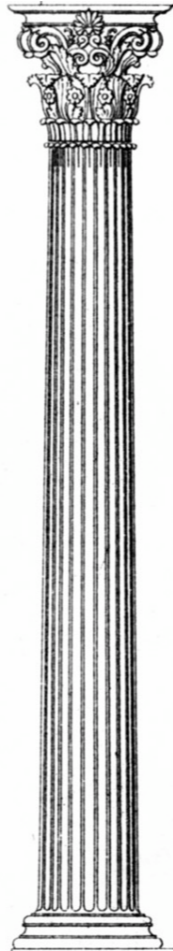


Jurisdiction

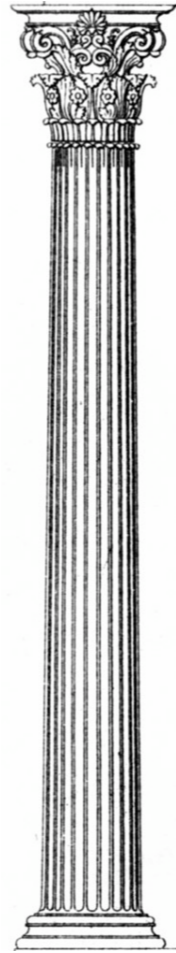


Government

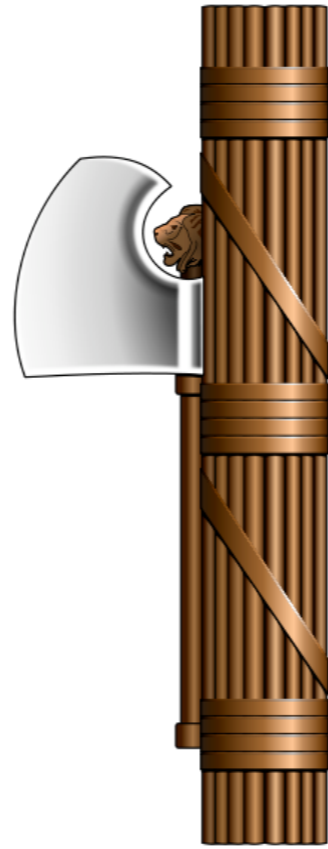




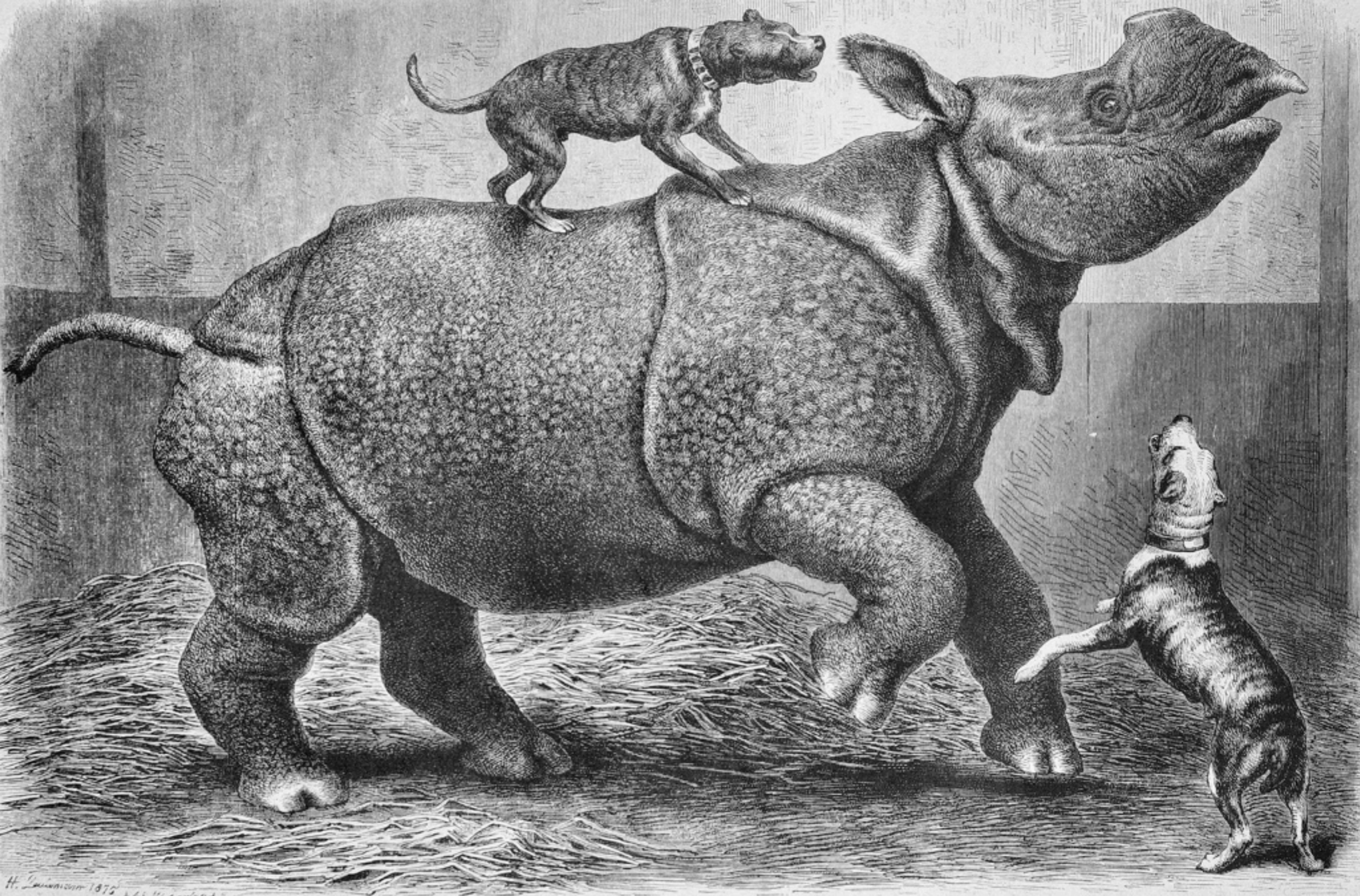
EPO



By bundling all powers, you get...



Patents & Litigation Today

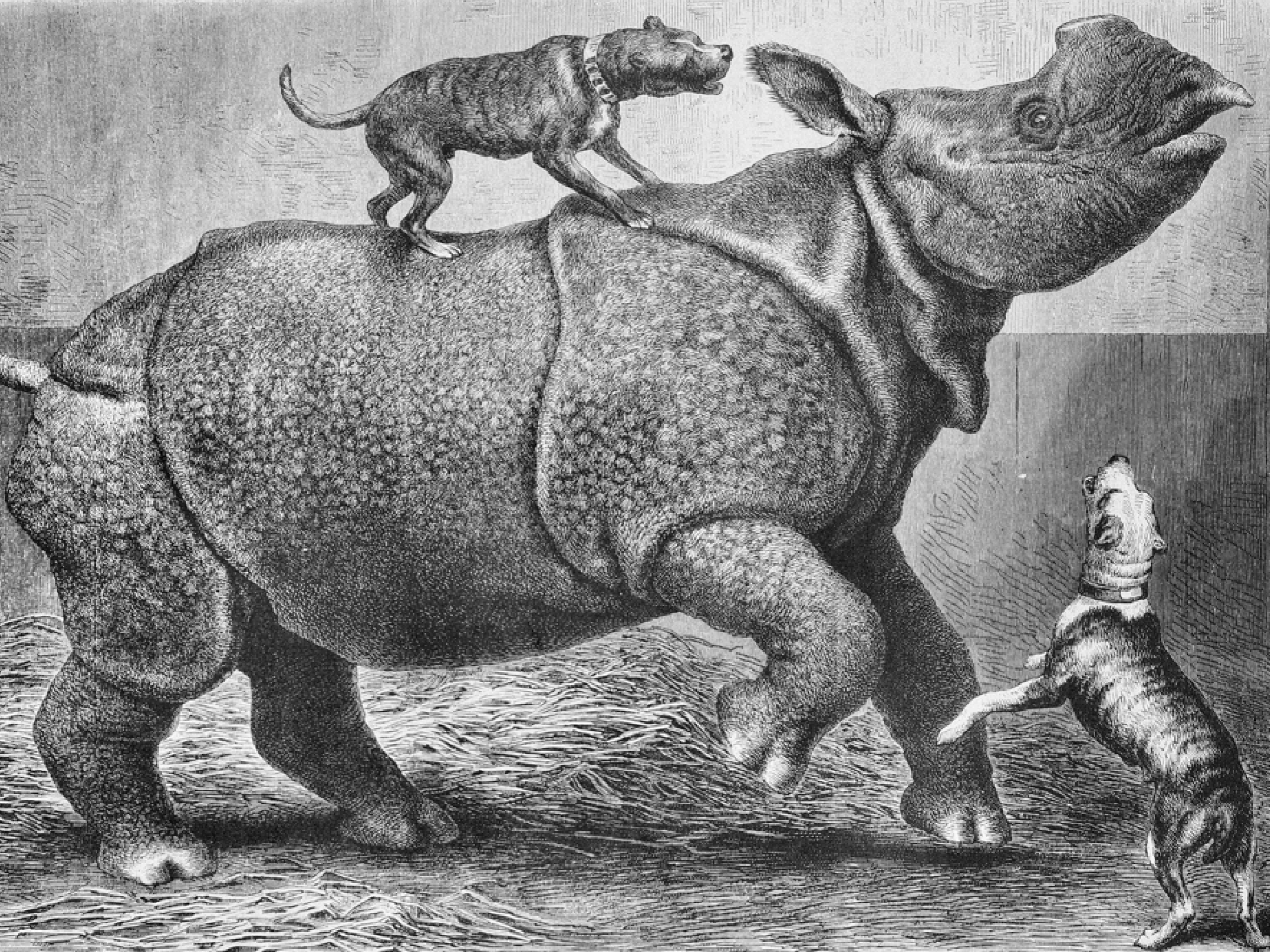


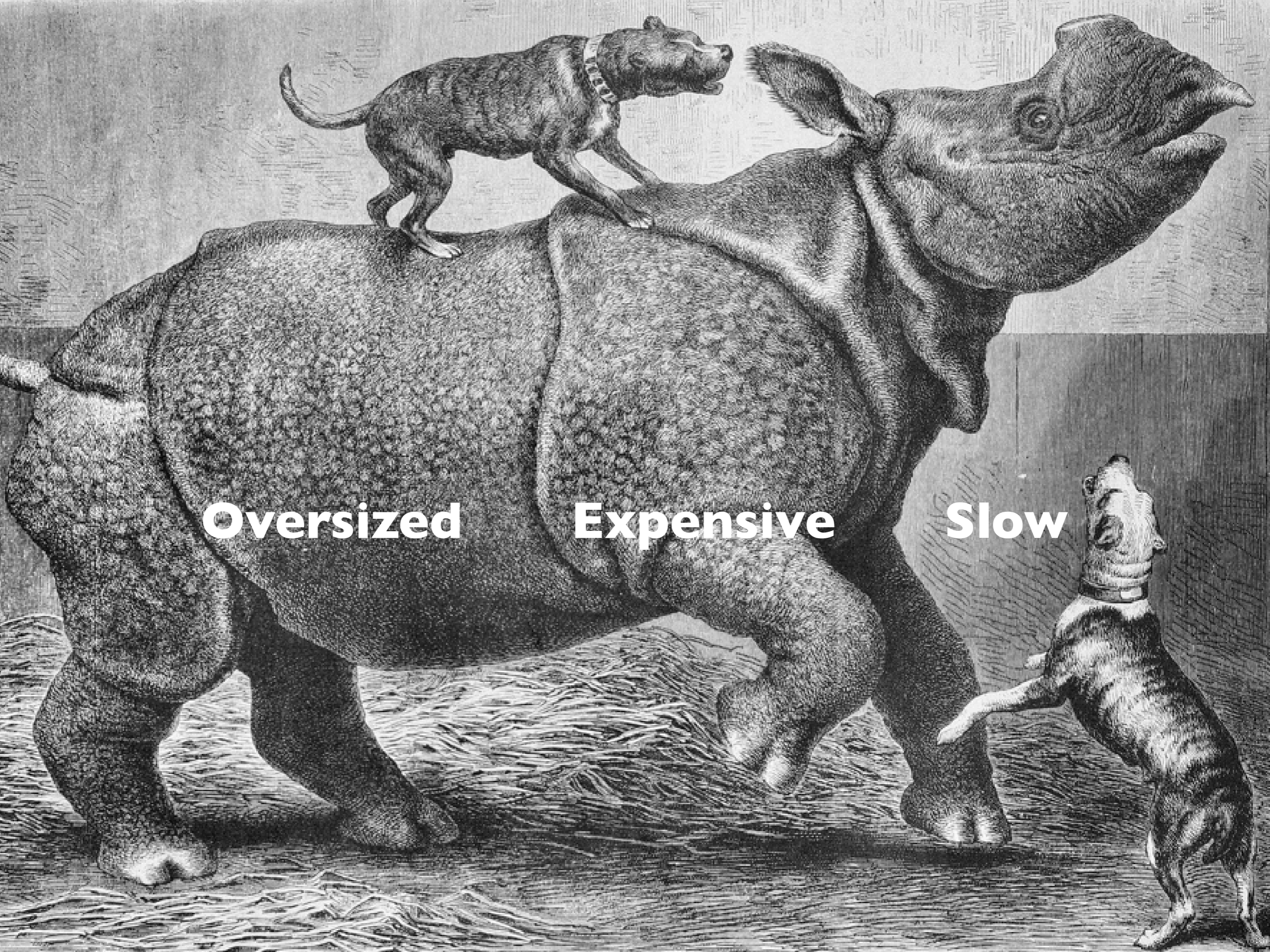
H. Leutemann 1872

Régum in guter Laune.
Nach der Natur aufgenommen von H. Leutemann.

EPLA/UPLS/EEUPC

EPLA/UPLS/EEUPC:
More dogs, even bigger rhinoceros





Oversized

Expensive

Slow

How it *should* be:





narrow

cheap

fast



*narrow
rights*

*cheap
access*

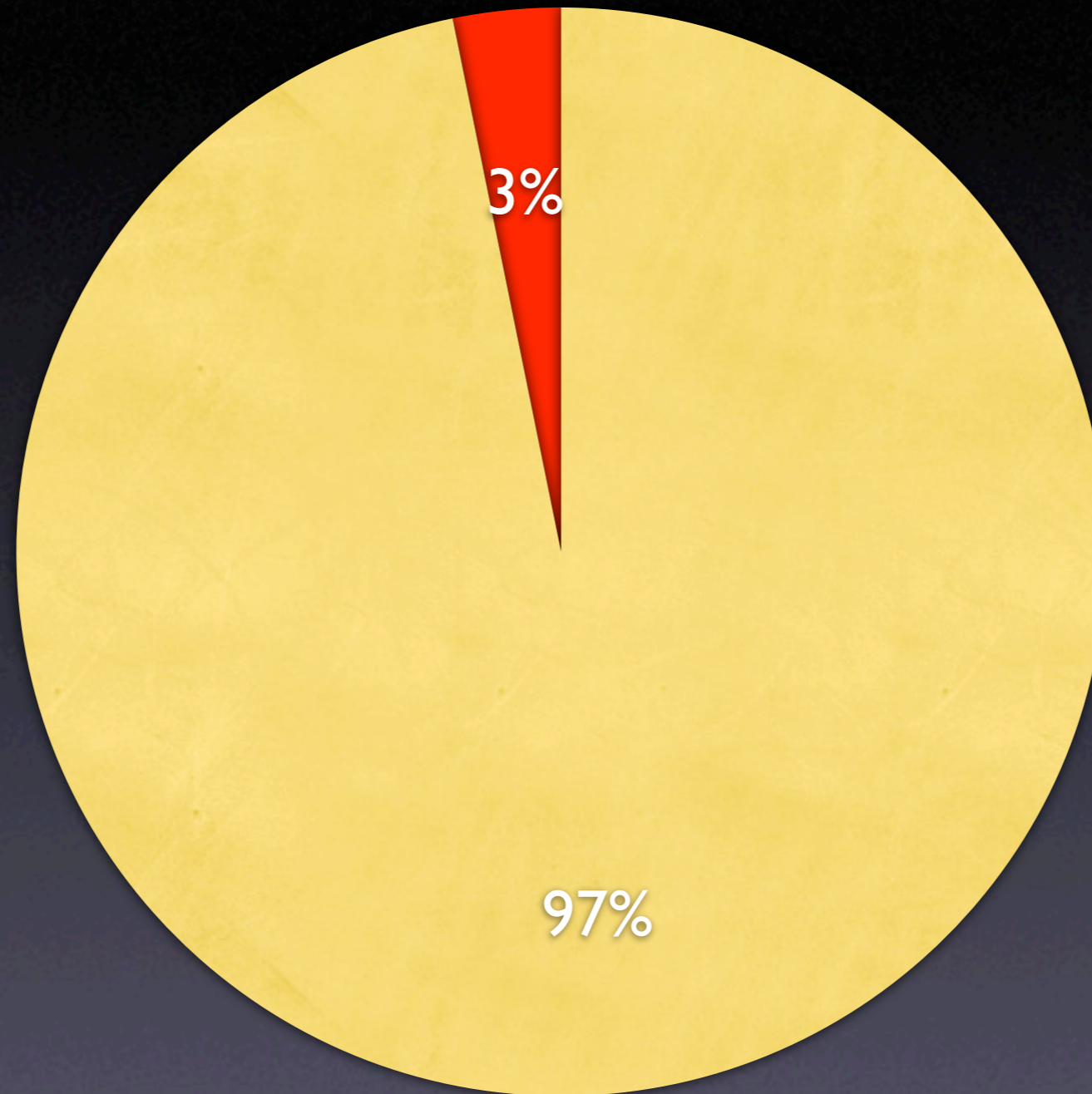
*fast
decisions*



Poor Gazelles?

● Prey

● Predators



Example animal population in a healthy ecosystem



Technical Descriptions are filed without
substantial examination.



Claims *can* be registered, too.



Anyone can issue cease & desist letters
against such claims.
(based on the German Abmahnung.)



In case of non-compliance, injunctions against claims can be filed.



Regular Courts decide,
patent experts remain witnesses.



Examination & patent search is privatized:



When somebody finds proofs of invalidity of a patent, he is entitled to charge an examination fee from the patentee.

Public Register: File now, examine later (cf. Internet domain registry)

Privatized patent search and examination

Paid by the polluter

Incentive to file narrow claims

Incentive to get involved

Self-organizing knowledge economy

Extendable to other types of rights
(trademarks, designs)

No claims, no costs (descriptions alone are
treated analogous to copyright)

Free-Software-like debugging of claims



narrow

cheap

fast



<http://www.ffii.org>

List of Figures

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The Rhinoceros in the shed is a scan of an illustration by Heinrich Leutemann entitled *Bégun bei guter Laune* from *Die Gartenlaube*, Leipzig (1875)

Cheetah chasing Thompsons gazelle: 2007 © by Prof. Lee Berger, University of the Witwatersrand, Johannesburg, licensed under the GNU Free Documentation License

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