

**European Open-Source Luminaries  
Appeal to EU Council Against Software Patents**

*European nationals who created Linux, MySQL and PHP issue joint statement on [www.NoSoftwarePatents.com](http://www.NoSoftwarePatents.com) ahead of EU Council meeting – "The proposed software patent directive is deceptive, dangerous, and democratically illegitimate"*

Munich, Germany (23 November 2004). The three most famous European authors of open-source software have issued an appeal against software patents on NoSoftwarePatents.com. Linus Torvalds (Linux), Michael Widenius (MySQL) and Rasmus Lerdorf (PHP) urge the EU Council, which will convene later in the week, not to adopt a draft directive on software patents that they consider "deceptive, dangerous, and democratically illegitimate". They also call on the Internet community to express solidarity by placing NoSoftwarePatents.com links and banners on many Web sites.

This announcement comes after an eventful week on the software patent front: The Polish government clarified that it does not support the legislative proposal in question, and Microsoft warned Asian governments that they could face patent lawsuits for using the Linux operating system instead of its Windows software.

The open-source programs that were created by Linus Torvalds, Michael Widenius and Rasmus Lerdorf form three of the four parts of a technology stack commonly referred to as "LAMP" by the first letters of its components. The combination of Linux (operating system), Apache (Web server), MySQL (database) and PHP (programming language) is an industry standard that powers millions of Internet servers worldwide. Linus Torvalds and Michael Widenius, the Finnish Software Entrepreneur of the Year 2003, are Swedish-speaking Finns. Greenland-born Rasmus Lerdorf is a famous Dane according to Google.

The joint statement stresses that software authors are well protected by copyright law while software patents establish "the law of the strong", which creates more injustice than justice. The draft legislation on which the EU Council reached a disputed political agreement on May 18th is called "deceptive" because it leads laymen to believe that software is excluded from patentability while actually containing a number of passages that would legalize software patents in the EU, the broadest one of which is its article 5(2).

Particular emphasis is given to the fact that an adoption of the proposal without a formal vote, as a so-called "A item", would lack democratic legitimacy. Under the Act of Accession, new voting weights apply in the EU Council from this month on, and the countries that supported the proposed legislation on May 18th fall short of a qualified majority on today's basis. Additionally, the national parliaments of two of the supporting countries (Germany and the Netherlands) have spoken out against the proposed legislation.

In separate public surveys of IT companies by the European Commission and the German government, a vast majority (94% and, respectively, an estimated 99%) of respondents opposed the patentability of software. However, a small group of multinationals and the patent system push for an extended scope of patentability.

## **Full Text of the Statement**

The full text of the statement is available on the Internet in (initially) 11 languages:

<http://www.nosoftwarepatents.com/en/m/intro/app0411.html> (English)  
<http://www.nosoftwarepatents.com/fr/m/intro/app0411.html> (French)  
<http://www.nosoftwarepatents.com/de/m/intro/app0411.html> (German)  
<http://www.nosoftwarepatents.com/es/m/intro/app0411.html> (Spanish)  
<http://www.nosoftwarepatents.com/ca/m/intro/app0411.html> (Catalan)  
<http://www.nosoftwarepatents.com/pt/m/intro/app0411.html> (Portuguese)  
<http://www.nosoftwarepatents.com/nl/m/intro/app0411.html> (Dutch)  
<http://www.nosoftwarepatents.com/cz/m/intro/app0411.html> (Czech)  
<http://www.nosoftwarepatents.com/hu/m/intro/app0411.html> (Hungarian)  
<http://www.nosoftwarepatents.com/lt/m/intro/app0411.html> (Lithuanian)  
<http://www.nosoftwarepatents.com/fi/m/intro/app0411.html> (Finnish)

## **About the NoSoftwarePatents.com Campaign**

The NoSoftwarePatents.com campaign was launched on October 20th in initially 12 languages and is supported by three IT companies (1&1, Red Hat, and MySQL AB). More information on the campaign is available on the campaign Web site.

## **Contact Information**

For further information concerning this announcement or the NoSoftwarePatents.com campaign, please contact:

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