

LOBBYING GUIDE FOR RESTARTING THE EU'S LEGISLATIVE PROCESS ON THE SOFTWARE PATENT DIRECTIVE

(Florian Müller, NoSoftwarePatents.com, 24 January 2005)

Why?

At the request of Poland, the adoption of the EU Council's "common position" on a software patent directive has been delayed once again. This opens another window of opportunity for the European Parliament to restart the entire process. The indescribably horrible Council text of 18 May 2004 would be nullified that way. Since the political situation in Europe has changed and ever more countries oppose the idea of patents that can affect standard computer software, it is almost certain that future negotiations in the EU Council would lead to a much more acceptable result.

Restarting the process is, at this point, by far and away the best chance to still prevent the legalization of software patents in the EU. It may be our only realistic chance, in fact. Otherwise the Council's current proposal would go to the European Parliament for a second reading, in which the majority requirements are extremely high (it takes about 70% of MEPs present on a given day, for every single amendment that is), and in which there would be little time to counterbalance the overwhelming lobbying efforts by big industry.

How much time do we have?

The procedural rules now give the European Parliament time until at least the week of 21 February (plenary-session week) to request a restart of the process.

However, the most important decision will already be taken on 2 or 3 February. On those days, the legal affairs committee ("JURI") of the European Parliament will meet. That is the committee in charge of the software patent directive. A majority of the committee responsible is a requirement for a restart according to the 1st paragraph of Rule 55 of the EP's Rules of Procedure.

JURI homepage:

http://www.europarl.eu.int/committees/juri_home.htm

If JURI decides in our favor, then it may still be necessary to secure the consent of the Conference of Presidents (= group chairmen). The CoP will meet on 17 February.

Homepage of the Conference of Presidents:

http://wwwwdb.europarl.eu.int/ep6/owa/p_meps.bodylist?ilg=EN&iothbody=BCPR&iorig=

Who is decisive?

The immediate priority are the members of JURI, but indirectly all other MEPs can promote the idea of restarting the process within their groups. Even outside of the European Parliament, you may be able to find politicians, such as national MPs, who can contact their colleagues in Brussels about this.

How to make contact?

Please only use E-mail if you have no other way of communicating with a politician. Snail-mail letters (i.e., letters on good old paper in a stamped envelope) are still the best approach. Sending a fax saves time and is almost as effective as a letter. However, E-mails only work if you are already known to the politician or his/her staff. Otherwise your E-mail may get clicked away in a second.

It is up to you how much effort you put into your letter. It's not necessary, and from the perspective of politicians, not even desirable that you go into too much detail. Try to explain in your own words that and why you believe software patents are negative to you, and ask the recipient to support the idea of restarting the process on the software patent directive at the request of the parliament.

If you are a company owner or freelancer, please make sure that your letterhead clearly indicates your commercial background.

JURI members (by country; countries in alphabetical order)

Austria

Dr. Maria Berger, MEP (SPÖ)

Coordinator of second-largest group (PSE) in JURI; in favor of restarting the process

Homepage: <http://www.spe.at/berger/>

Contact data: Dr. Maria Berger, MEP
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Czech Republic

Pan Daniel Stroz, MEP (Komunistická strana Čech a Moravy)

his group has the best voting record against software patents of all groups

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dstroz@europarl.eu.int
Fax +32 - 2 - 284 9456

Doc. MUDr. Jaroslav Zvěřina CSc., MEP (Občanská demokratická strana)
six members of his delegation signed a motion for restarting the process

Homepage: <http://www.zverina.cz>

Contact data: Doc. MUDr. Jaroslav Zvěřina CSc., MEP
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Finland

Piia-Noora Kauppi, MEP (Kokoomus)

Shadow rapporteur of largest group (EPP) on software patents; against software patents; she is not against restarting the process but she might just follow her group instead of voting for a restart

Homepage: <http://www.kauppi.net>

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France

M. Alain Lipietz, MEP (Les Verts-Europe-Ecologie)

his group asked the JURI chairman for a vote on restarting the process

Homepage: <http://lipietz.net>

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Germany

A special German-language lobbying guide is available and provides a lot of information on how to win the support of German MEPs, particularly from conservative party CDU.

You can find that German lobbying guide by going to the German-language section of NoSoftwarePatents.com, or to the "Deutschland" section in the NoSoftwarePatents.com forum.

Hungary

Katalin Lévai, MEP (Magyar Szocialista Párt)

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Note: former Hungarian "equal opportunity" minister

Viktória Mohácsi, MEP (Szabad Demokraták Szövetsége)

Contact data: Viktória Mohácsi, MEP
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Note: Mrs. Mohácsi is member of the liberal ALDE group in the EP. In that group, we have a number of honest politicians who are on our side and want to prevent software patents. However, in that group you also find a Dutch party named VVD, which pushes for software patents more aggressively, and with more disgraceful methods, than any other party in all of Europe. The VVD is the party of former EU Commissioner Frits Bolkestein, who initiated the whole process on this directive only to legalize software patents, as well as MEP Toine Manders, who constantly tries to pull the entire ALDE group in a pro-patent direction. VVD was also the only party in the Dutch parliament to back Dutch minister of commerce Laurens Jan Brinkhorst, who ignores the will of his parliament and who was not even supported by his own party (D66) in the software patent vote. Those three collude, and short of committing criminal acts, they are prepared to do anything to legalize software patents in the EU. Please ask Mrs. Mohácsi to not adopt any advice from her Dutch colleagues of the VVD.

Italy

On. Avv. Giuseppe Gargani, MEP (Forza Italia)
JURI chairman

Homepage: <http://www.giuseppegargani.it>

Contact data: On. Avv. Giuseppe Gargani, MEP
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ggargani@europarl.eu.int
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Note: Mr. Gargani is member of a group that mostly voted for software patents in 2003. However, please point out to him that the Italian government, which is led by his own party, clearly opposed the patentability of software in the EU Council last May. By asking for a restart, Mr. Gargani can help his colleagues in Rome so that the position of the Italian government will hopefully be reflected by a future proposal of the EU Council.

On. Giorgio Carollo, MEP (Forza Italia)

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or in Vicenza:

On. Giorgio Carollo, MEP
Via dei Fanti, 53
36040 - Torre di Quartesolo (VI)
Italia - IT

Note: Mr. Carollo is member of a group that mostly voted for software patents in 2003. However, please point out to him that the Italian government, which is led by his own party, clearly opposed the patentability of software in the EU Council last May. By asking for a restart, Mr. Carollo can help his colleagues in Rome so that the position of the Italian government will hopefully be reflected by a future proposal of the EU Council.

On. Antonio di Pietro, MEP (Italia dei Valori)

Homepage: <http://www.antoniodipietro.it>

Contact data: On. Antonio di Pietro, MEP
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60, rue Wiertz / Wiertzstraat 60
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Note: Mr. di Pietro is member of the bureau of the liberal ALDE group in the EP. In that group, we have a number of honest politicians who are on our side and want to prevent software patents. However, in that group you also find a Dutch party named VVD, which pushes for software patents more aggressively, and with more disgraceful methods, than any other party in all of Europe. The VVD is the party of former EU Commissioner Frits Bolkestein, who initiated the whole process on this directive only to legalize software patents, as well as of MEP Toine Manders, who constantly tries to pull the entire ALDE group in a pro-patent direction. VVD was also the only party in the Dutch parliament to back Dutch minister of commerce Laurens Jan Brinkhorst, who ignores the will of his parliament and who was not even supported by his own party (D66) in the software patent vote. Those three collude, and short of committing criminal acts, they are prepared to do anything to legalize software patents in the EU. Please ask Mr. di Pietro to distance himself from his Dutch colleagues of the VVD.

Sig.Ra Monica Frassoni, MEP (Federazione dei Verdi)

Coordinator of Greens/EFA group in JURI; asked JURI chairman for vote on restart

Homepage: <http://www.monicafrassoni.it>

Contact data: Sig.Ra Monica Frassoni, MEP
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On. Francesco Enrico Speroni, MEP (Lega Nord per l'indipendenza della Padania)

Homepage: <http://www.europarl.it/europarlamentari/index.asp?id=125>

Contact data: On. Francesco Enrico Speroni, MEP
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On. Nicola Zingaretti, MEP (Democratici di Sinistra)

Homepage: <http://www.europarl.it/euoparlamentari/index.asp?id=182>

Contact data: On. Nicola Zingaretti, MEP
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Lithuania

P. Aloyzas Sakalas, MEP (Lietuvos socialdemokratų partija)

Homepage: http://www.vrk.lt/rinkimai/2004/euro/kandidatai/kand_biog_1_260852.htm

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Netherlands

De Heer Bert Doorn, MEP (CDA)

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Note: Mr. Doorn has a very good voting record from the 1st reading in the European Parliament. He voted very clearly against software patents. Also, his party supported a motion in the Dutch parliament on 1 July 2004 against software patents.

However, that party has a government coalition with a Dutch party named VVD, which pushes for software patents more aggressively, and with more disgraceful methods, than any other party in all of Europe. The VVD is the party of former EU Commissioner Frits Bolkestein, who initiated the whole process on this directive only to legalize software patents, as well as of MEP Toine Manders,

who constantly tries to pull the entire ALDE group in a pro-patent direction. VVD was also the only party in the Dutch parliament to back Dutch minister of commerce Laurens Jan Brinkhorst, who ignores the will of his parliament and who was not even supported by his own party (D66) in the software patent vote. Those three collude, and short of committing criminal acts, they are prepared to do anything to legalize software patents in the EU. Please ask Mr. Doorn to not adopt any advice from the VVD on this.

Poland

Andrzej Jan Szejna, MEP (Sojusz Lewicy Demokratycznej - Unia Pracy)

JURI vice chairman; chairs many JURI meetings; signed motion for restarting the process

Homepage: http://www.sld.org.pl/index.php?view=1&art_id=4107&pid=18&ret_id=125&rsid=0

Contact data: Andrzej Jan Szejna, MEP
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aszejna@europarl.eu.int
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Marek Aleksander Czarnecki, MEP (Samoobrona RP)

signed motion for restarting the process

Contact data: Andrzej Jan Szejna, MEP
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Fax: +32 - 2 - 284 9194

Marcin Libicki, MEP (Prawo i Sprawiedliwość)

signed motion for restarting the process

Homepage: <http://www.libicki.pl>

Contact data: Marcin Libicki, MEP
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marcin@libicki.pl
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Tadeusz Zwiefka, MEP (Platforma Obywatelska)
signed motion for restarting the process

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tzwiefka@europarl.eu.int (address not verified; should work but not sure)
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Spain

Sr. Antonio López-Istúriz White, MEP (PP)
Secretary General of the European People's Party (EPP)

Homepage: <http://www.europarl.es/diputados/diputado.php?id=94298>

Contact data: Sr. Antonio López-Istúriz White, MEP
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Note: Mr. López-Istúriz White is member of a group that mostly voted for software patents in 2003. However, please point out to him that there is broad consensus in Spain that software patents are detrimental. Software patents only benefit companies from some other countries than Spain. For Spain, open-source software is a particular opportunity that already plays a major role in public administrations throughout the country.

Sr. Antonio Masip Hidalgo, MEP (PSOE)

Homepage: http://europa2004.psoe.es/index.php?inc=candidaturas&id_candidaturas=41&ini=1

Contact data: Sr. Antonio Masip Hidalgo, MEP
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amasipeuropa@yahoo.es
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Note: Please point out to Mr. Masip Hidalgo that the Spanish government, which is led by his own party, clearly opposed the patentability of software in the EU Council last May. By asking for a restart, Mr. Masip Hidalgo can help his colleagues in Madrid so that the position of the Spanish government (in particular, minister Montilla) will hopefully be reflected by a future proposal of the EU Council.

United Kingdom

Mrs. Theresa Villiers, MEP (Tories)

Homepage: <http://www.theresavilliers.com>

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tvilliers@europarl.eu.int
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Note: Mrs. Villiers represents London in the EP. Her party, the UK Conservatives, voted for software patents in 2003. However, Mrs. Villiers did not vote 100% as radically for software patents as Malcolm Harbour, who is the driving pro-patent force within his delegation and flatly denies that the legislation he supports would allow for software patents (although that is what it does, and there can be no reasonable doubt that he knows he spreads misinformation).

Mrs. Diana Wallis, MEP (LibDems)

Homepage: <http://www.dianawallismep.org.uk>

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Note: Mrs. Wallis represents Yorkshire and the Humber in the EP. Her party, the Liberal Democrats, are critical of software patents in the UK but basically voted for software patents in 2003. I heard rumors in Brussels that Microsoft persuaded the chairman of the ALDE group, Graham Watson (who is also a LibDem) to oppose the idea of restarting the process. You are usually hard-pressed to find a European politician who will pander to Microsoft, and if that were truly the case with Mr. Watson, it would be more than regrettable.