

Thank you so much for forwarding to me a copy of the Interim Report which I received this morning. I have only had a chance to glance through it; but it seems to me to set out the issues very clearly indeed.

There were two omissions which surprised me, however (assuming that I have not missed any discussion of them:

1. Databases. This is such an important topic and raises such controversial issues as to the extent to which new sui generis rights should provide additional control over information that it seemed to me strange not to comment on the topic, even though I know that Australia has expressed some strong views at some of the relevant WIPO discussions.

2. Patent protection for computer-program related inventions - Patentability of business systems. Law and practice tend to vary in minor, though economically important ways, in relation to the line to be drawn between patentable and non-patentable subject matter. The recent expansion of the types of patentable subject-matter in the USA is being looked at with interest in Europe and there is an inclination to widen the existing European system to match the USA. However, the implications of patenting business systems etc. as a result of the State Street Bank decision has significant competition implications and is causing concern in many circles. Would it not be worth while expressing a view on this?

These are not considered comments, of course, but you might like to pass on these remarks.

Thank you again.

Gerald Dworkin