

Dear Mr Simmons,

I have been computer programming for my electronics engineering work for the last 30 years in small enterprises (SMEs).

I support the ACIP's recommendation to abolish the innovation patent system. In my experience, the scheme is not only ineffective in promoting innovation, it actively discourages invention and creativity in our industry.

Programming is a very artistic endeavour like painting a picture.

On a daily basis, it is not uncommon to dream up and implement many "innovative" ideas from ones own imagination to solve a software programming problem.

In the course of a month, many dozen of innovative software programs may be created, whether to solve a personal problem, or to sell or publish on the internet.

If patents applied to pieces of software, which one of the millions of possible solutions one might have personally created or copied off the web from someone elses free creation, might have a patent on it?

It is no different to restricting ones painting of pictures to only grey tones (some of the colours may be patented) and using only straight lines (some lines with a certain curvature might be patented).

Like trying to patent mathematical formulae, software patents are certainly in the realms of absurdity.

Patents are supposedly to reward those that expend significant effort on a solution. This may be all well and good for ideas that take months to develop, but most software is built from pieces that take only minutes or hours to develop.

Being easy to create, many alternatives to solving a software problem can compete on technical merit in the market, creating more opportunities for SMEs and lowering costs to consumers.

Patents simply allow larger incumbants to monopolize the market by suing smaller competitors over trivialities that are expensive to challenge with legal means.

Innovation patents do nothing for stimulating innovation in Australian SMEs. I agree fully with the conclusions detailed in the report:

Economic Analysis of the Innovation Patent System

[Innovation Patent - IPA Consultation Paper](#) PDF [130KB]

Yours sincerely, Russell Shaw, B.Eng, M.Eng(Research)