



**COUNCIL OF
THE EUROPEAN UNION**

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CORRIGENDUM TO ADDENDUM TO "I/A" ITEM NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

No. prev. doc. : 11979/04 PI 61 CODEC 962 + ADD 1
No. Cion prop. : 6580/02 PI 10 CODEC 242

Subject : Proposal for a Directive of the European Parliament and of the Council on the patentability of computer-implemented inventions
- Common position
- Statement of the Council's reasons

Replace point 3, pages 3 and 4 of the English version by the following:

"3. **Statement by the Netherlands**

(Revised translation in English provided by the Netherlands delegation)

The Kingdom of the Netherlands states that it considers the harmonisation directive on the patentability of computer-implemented inventions to be of high importance. On 18 May, the Netherlands, part of a qualified majority of member states, politically agreed with the text of a common position in first reading. The Dutch Parliament stated as its position that the political agreement offers insufficient guarantees to prevent proliferation regarding software patenting. This concern will be taken into account by the Netherlands in the further consideration of the directive in second reading.

The directive aims to harmonise the rules within the European Union on the patenting of computer-implemented inventions and to offer clarity on which inventions are patentable and which are not.

In this light, the Netherlands wishes to confirm explicitly that the directive text now under consideration aims to exclude non-technical and non-inventive inventions and business methods as well as pure software, from patentability. This is because patenting of this nature will not make a positive contribution to the ability to innovate.

Recently, a lot of public and political debate has arisen on the proposed directive and the patenting of computer-implemented inventions in general. On further consideration of this directive in second reading, the Netherlands will confirm as it premises that the rules on and the implementation practice of the patentability for computer-implemented inventions are sufficiently clear and that the aforementioned undesirable forms of patenting are prevented.

Therefore, the Netherlands will in second reading only be able to agree with a directive text that does not disturb the balance between patentability and non-patentability."
