### Protect your freedom to operate with Open Patents

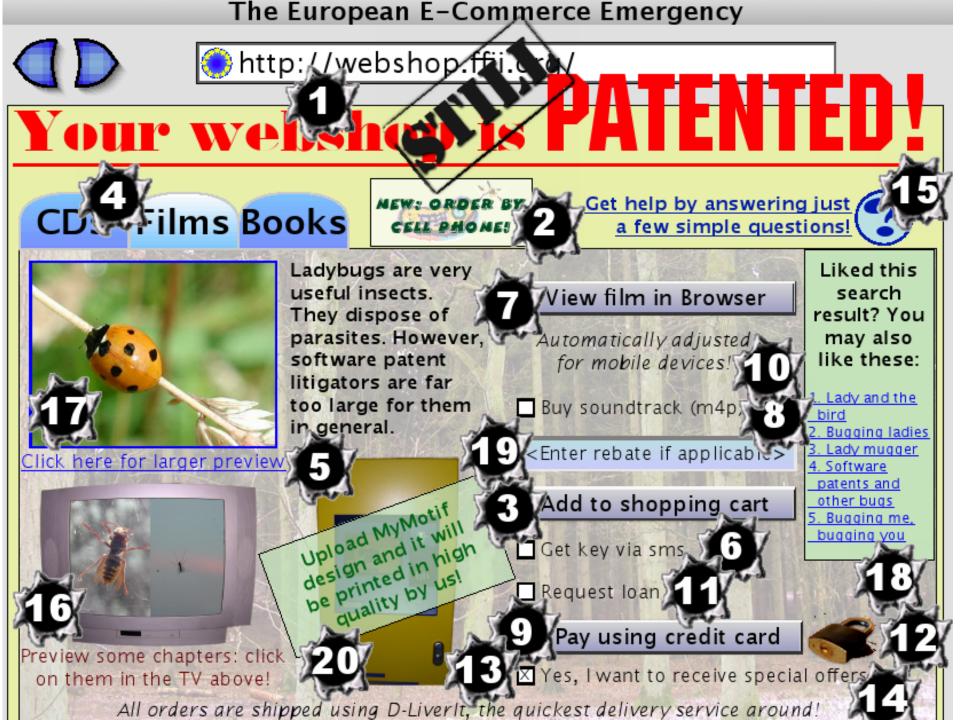
Hacking the patent system Frederik Questier, Wim Schreurs, Open Patent Office



# NO Software Patents

Software patents go here









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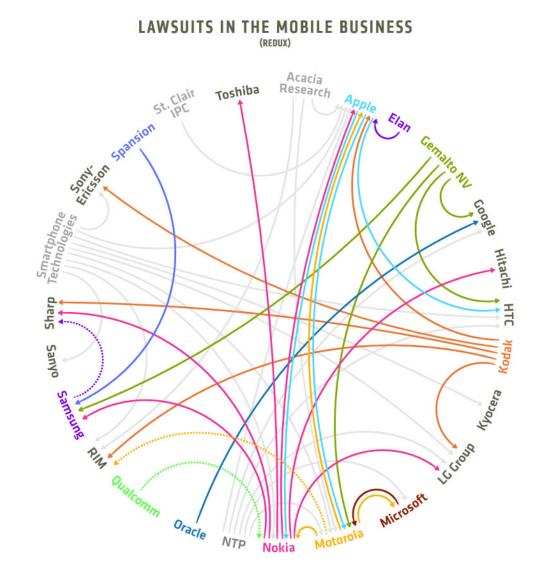
### **Drug patents** A fool's game

Apr 1st 2013, 20:53 BY C.H. | NEW YORK



(Photo credit: AFP)

## Patent wars





The €€.€€€ patent costs are an entrance barrier for individuals and small organisations

Outside chem/pharm average patent profit < 0€

### Patents are a tax on innovation

Patents nowadays are too vague to learn from

Timekeeper

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### Innovation Time to fix patents

#### Ideas fuel the economy. Today's patent systems are a rotten way of rewarding them

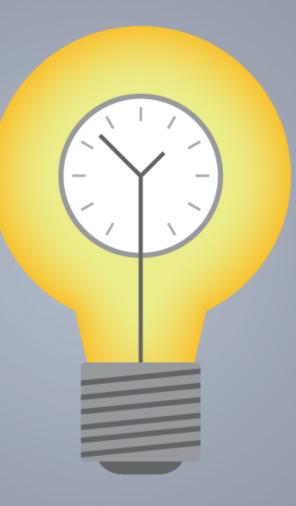
Aug 8th 2015 From the print edition

The Economist



### Existing solutions?







# Defensive patent pools

open**invention***network* 

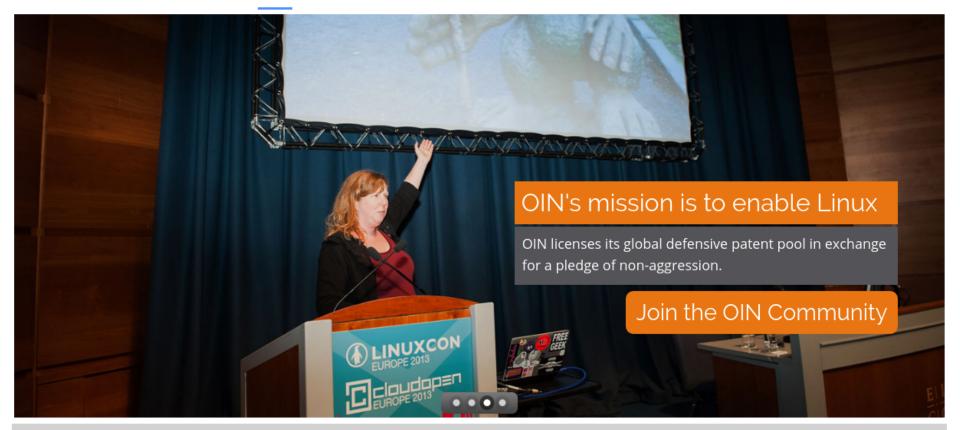
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DAIMLER



<u>un</u>patent

### On a quest against patent trolls

We empower companies to fight bad patents If you are threatened by a patent, you can protect yourself here If you are an expert, be rewarded by finding evidence against a patent

How it works

Watch the video

## Unpatent empowers companies to combat patent trolls.

Patent trolls are entities that don't build anything — they just acquire broad patents and use them to threaten the real innovators and ask them for large sums of money.

5.7м

patents granted by the USPTO \$**500**B

wasted because of patent trolls Without 'protecting' your innovative ideas you risk losing your 'freedom to operate'!

Without 'protecting' your innovative ideas you risk losing your 'freedom to operate'!

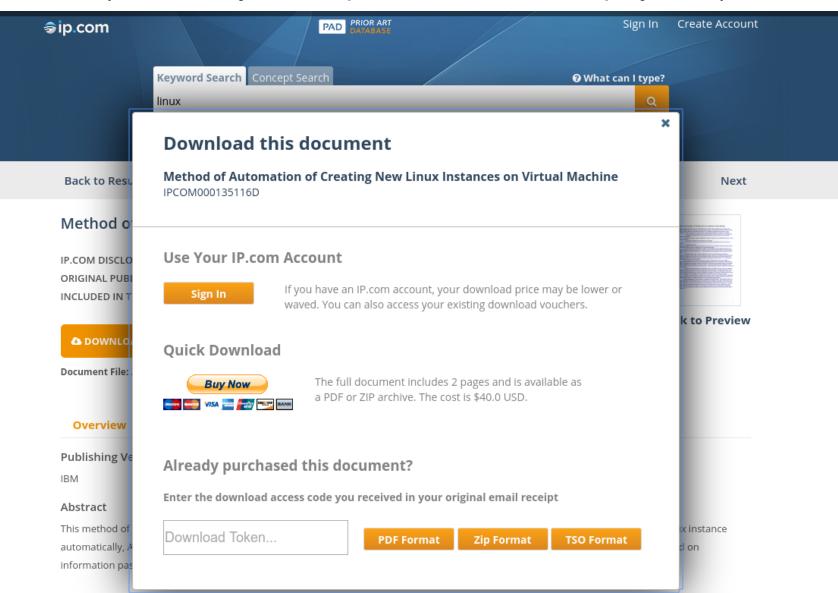
Make at least a defensive publication that can easily be found by the patent offices (just in code is not good enough to be found)

# Research Disclosure

(~1000/year? - publication fees – pay wall)

Research Disclosure is cited in thousands of patent applications every year         Home > Searching disclosures > Search         Searching disclosures         Search         Subscription         Search         Username •         Trial user request         Document delivery         Login	The industry standard defense				Home	Publishing disclosures	About us + Contact us +
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### IP.com Prior Art Database (~10.000/year? - publication fees – pay wall)



### Defensive Publications from Linux Defenders (156 publications - inactive since 2015?)

	NS						Help
		HOME	PUBLICATIONS	ABOUT US	FAQ's	TEAM MEMBERS	CONTACT US
Publications	Title		Start D	Date	End Date	e Filte	Reset
Defensive Publications are a method	for the open source com	nmunity to pre	vent the issuance o	of low quality so	oftware patent	ts. These publication	s serve as

evidence to disclose to the examiner what is new and innovative within the technology. Through Linux Defenders, developers collaborate with our team to ensure that these publications are effective in protecting the freedom to create, invent and operate.

Publication Date	Title	Tags
January 12, 2015	System for designing and creating computer programs using finite state machines The methods commonly used to develop computer software are very difficult, time consuming and error prone. Many software projects are canceled due to cost and time overruns. It is common for projects to fail to deliver all of the anticipated benefits.	database software development Computer Programming Object Oriented Programming Transaction Processing Finite State Machine Publish and Subscribe Internet of Things Eclipse Rich Client Plugin RCP
October 20, 2014	Discovering Code Cloning in Software Source Code by Fingerprinting This document describes a simple code clone detection method that extracts string constants and other idenfitiers (function names, method names, variable names, etc.) from source code and compares these identifiers to a knowledgebase with identifiers extracted from publicly available open source software with the aim of finding copied code.	Linux FreeBSD Unix software software development *BSD Android Java open source code clone detection
October 20,	Multiparty Verified Code Execution on Modern Browsers	security Multiparty Verified Verification

Code Evenution Javanamint Web

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None of the current defensive publication solutions have the popularity, impact or openness that the concept deserves...

### We need something better...

# The Open Patent Office

Non-profit organisation

# The Open Patent Office

Non-profit organisation

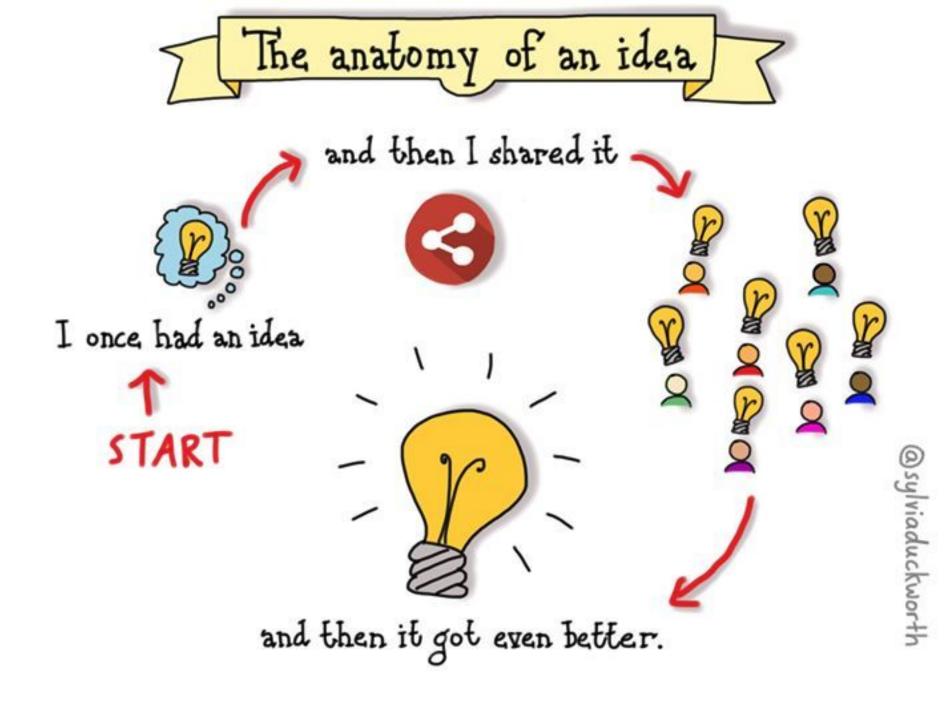
# stimulating open innovation strengthening the public domain

# The Open Patent Office

Non-profit organisation

### stimulating open innovation strengthening the public domain

combining the best practices of defensive publications, the patent offices and open discussions



Protect your freedom to operate by sharing your innovative ideas

# Easy publication process

- > Guided web form
  - > Title
  - applicant(s) and associated organizations (or anonymous)
  - > Abstract summary
  - Background problem statement prior art
  - Enabling description
  - > Figures
- Immediate publication

# Authenticity and integrity of the data

(cryptographic hashes & signatures, blockchain, external database mirrors)



# Improve searchability & findability

(foremost for patent examiners)

International Patent Classification Tags Search Engine API RSS-feeds Facilitate citations

## Improve quality

**Enabling description** 

Quality control

Quality metrics

## Stimulate open innovation

### Open access Creative Commons license

Comments Discussions Enable requests for prior art Enable requests for solutions

# Empower innovators Boost reputation

My patent portfolio is bigger than yours My open patent portfolio is bigger than yours

### PATENTS

Registration and renewals fees are expensive

Writing a patent is difficult & requires expensive advice

Often hard to understand, vague legalese

Slow publication process

**Protection is territorial** 

Both defensive and offensive

### **OPEN PATENTS**

#### No fees

Writing an open patent is easy.

**Enabling description** 

Immediate publication

**Protection is international** 

Only defensive

# Status - Challenges?

Pre-launch

- Funding
- Acceptance
- Spam & bullshit detection
- Multilingual
- > Good (IPC) meta data



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### No animals were harmed





Cite as: F. Questier, W. Schreurs, Protect your freedom to operate with Open Patents, Hacking the patent system, Presentation at FOSDEM 2017, Brussels.

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