# Here's a Question for Opponents of Software Patents

Article By:

Steven Lundberg

Ok, here's a question for the opponents of software patents: If software patents are such a drag on the software industry, why don't the countries with weak or non-existent software patents, or at least countries with relatively few software patents, have the most innovative software industries? Perhaps they do, but I have never seen any stats supporting that proposition. It is well known and irrefutable that countries that had little or no protection for pharmaceuticals also had virtually no ethical (innovative) pharmaceutical companies.

Is not the same true for software patents? While India does a lot of software development, they do not have a reputation for being software innovators — and India had little or no software patent protection for most of the 20th century. In fact, the lion's share of the software development done in India is contract development for innovative companies in other countries such as the US, that do have strong software patent protection. And again, if software patents are so bad for software companies, why are most of the world's top software companies started and headquartered in the U.S.? And, why does Silicon Valley continue to be one of the world's most active hotbeds for new software innovation?

After 25 years of "the sky is falling" prognostications by the anti-patent constituency, the reality is quite to the opposite. In fact, software patents seem to correlate strongly with a vibrant software industry.

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